ASSESSING VIOLENCE AGAINST WOMEN: A STATISTICAL PROFILE

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This report presents the results of a project commissioned by Federal-Provincial-Territorial Ministers Responsible for the Status of Women. It is intended that a wide range of audiences will find this statistical profile useful in maintain awareness of the need to prevent violence in our society. The report is not intended to reflect an official position of any government.

VIOLENCE AGAINST ANYONE IS UNACCEPTABLE WHETHER IT IS DIRECTED AGAINST CHILDREN, WOMEN, MEN, SENIORS, PEOPLE WITH DISABILITIES, VISIBLE MINORITIES OR ANYONE ELSE.

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Foreword

In July 1999, the Federal/Provincial/Territorial (F/P/T) Ministers Responsible for the Status of Women released their Strategic Framework document, *Preventing Violence Against Women*. This Framework was based on the vision of equality and of the rights of all to live in safe communities, free of violence and the threat of violence. Although there have been many accomplishments in addressing violence against women over the past few decades, the Framework recognized that much remains to be done. This Framework provided a context within which federal, provincial and territorial initiatives aimed at eliminating violence against women could be developed, undertaken and evaluated. It pointed to the importance of assessing progress in this area and of identifying current and future needs in reaching the goal of eliminating violence in our society.

This document was developed in the context of the Strategic Framework. In September 2000, the F/P/T Ministers Responsible for the Status of Women agreed to commission Statistics Canada to design a limited number of salient indicators on the severity and prevalence of violence against women. Where possible, the indicators were to be provided at the national, provincial and territorial levels and in a manner that would indicate trends over time.

The first attempt to develop reliable, valid and complete indicators has revealed that continued data gathering and research are needed. Defined as representations or proxy measures of violence against women, these preliminary indicators contribute to a growing body of quantitative and qualitative information on the problems of violence against women in Canada. They provide preliminary information regarding possible changes in the severity and prevalence of violence against women that could serve as benchmarks. These measures alone cannot assess the effectiveness of legislation, policies, programs and services designed to prevent, protect against, or prosecute acts of violence against women. However when used in conjunction with other sources of information, they can be tools to assist in such an assessment.

These measures are based on data obtained through representative surveys and instruments available at the time. Recommendations are made in this document regarding others that would be helpful in assessing violence against women. As a result, these preliminary indicators can be seen as a stepping stone towards the eventual elaboration of more comprehensive indicators.

A wide range of stakeholders was consulted in the production of these preliminary indicators and their feedback has contributed considerably to the present document. One of the most informative lessons learned from the attempt to develop these indicators was the need for more data – data that could provide a more complete portrait of women's experiences of violence in its multi-dimensional forms and the varying ways it affects women, depending on critical physical, social or economic factors.

This document is intended to be studied by governments, equality-seeking women's organizations, other non-governmental organizations, academics and those involved in the policy process. It is hoped that a wide range of audiences will find these preliminary indicators useful in maintaining awareness of the need to prevent violence in our society.

Introduction

1. Why focus on violence against women?

Violence against anyone is unacceptable. Violence experienced by women, however, particularly intimate partner violence and sexual assault, represents a unique aspect of the wider social problem of violence, and requires specific attention and solutions. Individual experiences of violence against women must be assessed against the backdrop of historical, social, political, cultural and economic inequality of women.

Much qualitative evidence and analysis indicates that violence is linked to inequalities and power imbalances in society (CPVAW, 1993). As a rule, women's experiences of violence will vary depending on the impacts of gender and other factors such as the woman's race, her ability, her sexual orientation, her age, her cultural, educational and economic status, as well as her experiences of dislocation or colonization (Jiwani, 2000; McIvor & Nahanee, 1998; Savary, 1994). Women who face discrimination on various grounds are more vulnerable to violence and abuse and face greater barriers when seeking services (Chesley et al, 1998; Gurr et al, 1996; LCC, 2001; L'Institut Roeher Institute, 1995; MacLeod & Shin, 1990).

As stated in the Beijing Platform for Action adopted at the Fourth United Nations World Conference on Women in 1995: "Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms ... Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men, and to the prevention of women's full advancement" (paragraphs 112 and 118).

Violence against women in society seriously affects the ability of women to achieve equality. It is not only the incidence of violence against women which limits women's lives, but the fear of violence which affects their daily existence, how they dress, where they go, with whom they associate, and their mode of transportation. Violence against women continues to be a significant and persistent social and economic problem in Canada with serious impacts on our health, justice and social services systems.

The focus on violence against women does not deny or diminish the rate of violence against men; however, as these indicators demonstrate, women represent the vast majority of sexual assault victims and spousal assaults experienced by women tend to be more severe overall, more frequent, and cause more serious physical injury and psychological harm.

In the 1990 decision, R. v. Lavallee, the majority of the Supreme Court of Canada made the following comments concerning the gravity of domestic violence against women:

"The gravity, indeed the tragedy of domestic violence can hardly be overstated. Greater media attention to this phenomenon in recent years has revealed both its prevalence and its horrific impact on women from all walks of life. Far from protecting women from it, the law historically sanctioned the abuse of women within marriage as an aspect of the husband's ownership of his wife and his "right" to chastise her. One need only recall the centuries-old law that a man is entitled to beat his wife with a stick "no thicker than his thumb".

"Laws do not spring out of a social vacuum. The notion that a man has a right to "discipline" his wife is deeply rooted in the history of our society. The woman's duty was to serve her husband and to stay in the marriage at all costs "till death do us part" and to accept as her due, any "punishment" that was meted out for failing to please her husband. One consequence of this attitude was that "wife battering" was rarely spoken of, rarely reported, rarely prosecuted, and even more rarely punished. Long after society abandoned its formal approval of spousal abuse, tolerance of it continued and continues in some circles to this day."

2. What is violence against women?

Violence against women must be situated on a continuum, ranging from psychological abuse such as put-downs, to severe physical violence including murder (Kelly, 1988, Stanko, 1985; 1990). In its broadest sociological sense, violence against women is an abuse of power that results in harm to women, including acts of psychological and financial abuse, physical and sexual assaults, gang rape,

trafficking in women and sexual harassment in the schools or workplace.

Physical violence, including hitting, pushing, stabbing or killing, is the most commonly understood form of violence. All forms of physical violence are crimes under the *Criminal Code* (see Appendix 3).

Sexual violence is any form of non-consensual or forced sexual activity or touching, including rape. All forms of sexual violence are crimes under the *Criminal Code*. The term "sexual offence" encompasses a wide range of criminal acts ranging from unwanted sexual touching to sexual violence involving weapons. The term "sexual assault" refers to the three levels of sexual assault, which are also sexual offences (see Section 1).

Psychological violence (also referred to as psychological abuse) includes insults, humiliation, put-downs and yelling, which are not crimes but can be very damaging. It also includes threats, forcible confinement, harming pets, damaging property, or criminal harassment, which are crimes.

Financial abuse (also referred to as economic abuse) includes restricting access to family resources, inheritance, employment opportunities or the seizure of pay cheques. Unless theft, fraud or some form of coercion is employed, financial abuse is not necessarily a crime.

Spousal violence refers to physical or sexual violence or psychological or financial abuse within current or former marital or common-law relationships, including same-sex spousal relationships.

Spousal assault is measured in accordance with the *Criminal Code*. Experiences of physical or sexual assaults in a spousal context are placed in correlation with experiences of psychological and financial abuse.

Spousal homicide refers to the killing of a former or current marital or common-law partner (includes first and second degree murder and manslaughter).

For the purpose of this document, however, we are limited to behaviour that could trigger a criminal justice response and the quantitative data sources available, primarily through police-reported data and victimization survey data, which use the *Criminal Code* definitions of violence. Consequently, the data presented in these indicators almost exclusively address acts of violence against women that would qualify as offences under the *Criminal Code*. As a result of the data sources used in this document, the preliminary indicators focus primarily on physical and sexual spousal assaults, spousal homicide and on sexual assaults. These preliminary indicators are also limited to the experiences of teenage or adult women and exclude acts of violence against children. In addition, the age range covered by the preliminary indicators varies somewhat and the data sources are detailed in Appendix 2.

There is no specific offence of violence against women or spousal assault in the *Criminal Code*. The provisions of the *Code* that most commonly apply to cases of violence against women include the offences of assault, sexual assault, criminal harassment, forcible confinement, death threats and homicide (see Appendix 3). The *Criminal Code* does however make specific reference to spousal abuse and gender bias as aggravating or mitigating circumstances that should be considered in imposing sentences for offenders (s.718.2). Civil legislation is in place in Yukon, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia and Prince Edward Island to provide emergency protections and remedies to victims of spousal assaults (these Acts refer to either "domestic" or "family" violence).

2. What are societal indicators?

Societal indicators are representations or proxy measures of a particular social phenomenon that can serve as benchmarks to chart progress or social change. Governments today are looking increasingly to empirical fact and analysis to inform their decision-making, both to take stock and to help set priorities for the future (McCracken & Scott, 1998). The social concerns most often identified with violence against women are changes in the prevalence over time, identifying correlates of violence (to better intervene and target prevention efforts), and improving institutional responses (to help victims and provide treatment to offenders). Indicators are intended to tell us something about these concerns and to monitor trends over time.

The key to the development of any system of indicators is to select those that will best approximate the phenomenon under study. Validity is therefore the most important selection criterion. Other important selection criteria include the following:

- Indicators should be meaningful in that they are descriptive of prevailing social conditions that can be remedied by public policy.

- Indicators should be unambiguous and relatively easy to interpret.
- Indicators should be factors that have clear relevance to policy makers, service providers and stakeholders.
- Indicators should be timely, available at regular intervals, and sensitive to change. They should be able to assess whether an improvement or deterioration has taken place with respect to a given concern.
- Indicators should reveal the special circumstances of different population groupings (e.g., women and men, youth, Aboriginal persons, etc.).
- Indicators should be available at different geographic levels of disaggregation (e.g., urban/rural, province, region, etc.) in order to be relevant to policy makers.
- The number of indicators should be comprehensive but limited to prevent information overload and to facilitate data management and the comparison of results. Too few indicators would be inadequate to give a broad and reasonably full view of the concern being measured, whereas too many would be unwieldy and difficult to interpret.
- The selected indicators should reflect key aspects of the issue such as prevalence, populations at risk, and availability of supports for victims.

(source: CCJS, 1997; McCracken & Scott, 1998; Dechman & Neumann, 1998)

When applying these criteria to indicators of violence against women, it is important to consider the type of violence to determine the most appropriate and reliable data source. For example, police-reported surveys are preferable to track spousal homicide rates, but are not as reliable when documenting incidents with low reporting rates, such as sexual assault.

4. Why Develop Indicators on Violence Against Women?

The ultimate development of preliminary violence indicators has many potential benefits. Indicators can increase awareness about the severity and prevalence of acts of violence against women as well as enhance understanding of community and government responses to such violence. Second, because they are intended to monitor changes over time, indicators can serve as a "red flag" for governments and non-governmental organizations by highlighting emerging problems such as the disproportionately high rates of violence against young women, or the increasing demand on services for battered women. Indicators can also assist in policy-making, planning and the allocations of resources because they serve as convenient benchmarks when used in conjunction with short-term, medium-term and long-term goals (CCJS, 1997).

Additionally, indicators can assist in identifying possible points of intervention through an examination of factors that elevate the risk of violent victimization. Together with other tools and information, indicators can help assess whether efforts to date have made a positive difference in the lives of Canadian women and can thus help to stimulate public policy discussions. Although they cannot be used to directly evaluate the success of government interventions, indicators can be useful tools to help enhance policy or program development and could form a component of an evaluation process. They can also act as catalyst for enhancing scientific inquiry and research.

Over the past few decades governments, equality-seeking women's organizations, other non-governmental organizations, private-sector entities, and individual Canadians made a concerted effort to address the issue of violence against women on a number of fronts. Some of the many resultant measures are referred to throughout this report. Initiatives that address violence against women include:

- shelters for abused women;
- sexual assault centres and crisis lines;
- other community-based counseling assistance services;
- co-ordinated inter-agency committees in many communities;
- limiting of the use of voluntary intoxication as a defence for offences such as sexual assault;
- introducing charging and prosecution policies in sexual assault cases;
- training for police and Crown prosecutors;
- introducing civil domestic violence legislation (see Appendix 4);
- creating specialized domestic violence courts and specialized victim services (see Appendix 4); and

- protocols for the health and social services sectors to help identify and provide appropriate services in cases of violence against women.

Even though preliminary indicators cannot evaluate the effectiveness of these and other measures designed to address violence against women, they can provide a general portrait of women's experiences of violence over a time period that coincided with the introduction of these measures.

In 1997, the F/P/T Ministers Responsible for the Status of Women released the *Economic Gender Equality Indicators*, which serve as an example of social indicators. These indicators provided benchmarks to raise public awareness of women's and men's economic realities. The update to these indicators was released in March 2001 in the Statistics Canada periodical *Canadian Social Trends*.

Then in 1999, the F/P/T Ministers Responsible for the Status of Women released their Strategic Framework document on the prevention of violence against women. This Framework laid the foundations for further initiatives conducted through this particular F/P/T forum. One of the key components identified in the Strategic Framework was the need for tools to help assess progress and identify future needs in reaching the goal of eliminating violence in our society.

In order to complement the *Economic Gender Equality Indicators* and to expand upon the Strategic Framework, the Ministers decided to produce similar indicators on violence against women.

The development of preliminary indicators will contribute to the monitoring of progress in this area, increasing public accountability and building on current initiatives, which are under way by other government agencies and non-governmental organizations.

The publication of preliminary indicators on violence against women is an important undertaking for the F/P/T Ministers forum. Publishing reliable measures of violence against women provides a significant opportunity to:

- promote understanding of the nature and seriousness of violence against women and its root causes;
- clarify the difference in the experience in magnitude between men's violence against women and women's violence against men;
- assist, encourage and expand efforts to design effective public, non-governmental and community violence policies and programs; and
- monitor progress toward the prevention of violence against women.

This document is an initial attempt to develop indicators on violence against women. The preliminary indicators contained herein are not ideal; they are based on currently available data. Development of more comprehensive indicators should be encouraged in the future.

3. What are the methods for measuring violence against women?

These preliminary indicators are based on population survey (victimization survey) data as well as police-reported data, because they provide what is currently the most comprehensive quantitative information about violence against women. Crime victimization surveys produce estimates of social phenomena that are accurate within a measurable range. These surveys also provide estimates of the percentage of women who report experiences of violence to the police.

In 1993, Health Canada commissioned Statistics Canada to conduct a large-scale survey dedicated to women's experiences of male violence perpetrated against them. The Violence Against Women Survey (VAWS) involved telephone interviews with 12,300 women about their adult experiences of sexual and physical assault by men, whether male partners, friends, acquaintances or strangers. The survey also included questions related to non-criminal forms of sexual harassment and to women's fears of violence in public places.

Although the VAWS has not been repeated, some of the same or similar questions were recently asked during the victimization cycle of the 1999 General Social Survey (GSS). A total of 14,269 women and 11,607 men were interviewed in the 1999 GSS. The GSS victimization survey will be repeated every five years.

The methodologies of the VAWS in 1993 and the GSS in 1999 differ in that the 1993 survey was a dedicated survey focused exclusively on matters relating to violence against women, with all women interviewers. The 1999 GSS, on the other hand, was a general victimization survey with a special module of questions based largely on the VAWS questions related to spousal violence. The 1999 GSS was

conducted by both male and female interviewers. As a result of these methodological differences, comparisons between the two surveys must be made with caution (see Box 1 and Appendix 2).

Given the methodological differences between the two key victimization surveys, this report will use the 1999 GSS to depict the most recent patterns in spousal violence against women. The 1993 VAWS will be used to complement the 1999 survey to provide information regarding possible changes in violence against women. More accurate comparisons may be made in regards to spousal violence against women with the results of the 2004 cycle of the GSS. At that point, more reliable trend data will be available to track the prevalence and severity of spousal violence against women.

Victim surveys are more comprehensive than police statistics because only a minority of sexual assaults and spousal violence cases are reported to the police, and therefore most acts of violence against women are not recorded in police statistics. Victimization surveys capture a greater proportion of violent incidents than do police-reported data, and dedicated surveys can be even more comprehensive than those that use a more generalized approach (Johnson, 1998). However, there are limitations to both the 1993 VAWS and the 1999 GSS. For instance, both surveys were only conducted in English and French therefore women who do not speak either official language were unable to report their experiences of victimization. As a result, these indicators lack sufficient data regarding the prevalence of violence against immigrant and refugee women as well as some groups of Aboriginal women. For example, in 1996, 2% of women in Canada could not speak either English or French (Women in Canada, 2000). The victimization surveys are further limited by the fact that some women were no doubt reluctant or unwilling to report their experiences of violence to survey interviewers, even in light of the efforts made to put women at ease and ensure that their security is not compromised in the interviews. These sources are also limited because they do not include information from households without telephones (this reflects less than 2% of the population).

For more information regarding the data sources for these preliminary indicators, see Appendix 2

6. What are the challenges and limitations in developing violence indicators?

While indicators offer many potential benefits, their limitations must also be acknowledged. One primary shortcoming relates to potential and actual measurements through statistical techniques (McCracken & Scott, 1998). As well, almost all methods of data collection tend to undercount victims of violence due to the very personal nature of these experiences. The use of police statistics to measure the prevalence of spousal violence, for example, presents flaws due to its high dependence on the willingness of victims to report these events to police, a factor that may change over time. Even homicide, generally considered one of the most reliable data sources because of the accuracy with which such cases are counted and investigated by police, may sometimes be miscounted as accidental death, suicide or death by natural causes (Crawford & Gartner, 1992).

Indicators may highlight problems, but they cannot prescribe solutions, neither can they always make cause-and-effect linkages between different kinds of measures. A growth in the availability of emergency shelters for abused women, for example, has coincided with a decline in spousal homicides. While shelters for abused women have no doubt increased women's safety and helped avert some very dangerous situations, this decline cannot be attributed entirely to one factor without also taking into account other societal changes. These could include changing age patterns in the population, improved community services, increased awareness of and lower tolerance for violence against women, changes in the response of police and courts, coordinated inter-agency referrals and positive changes in women's overall economic and social status.

Some of the data are ambiguous. For example, while declining rates of sexual assault reported by police are conventionally regarded as positive indicators of women's safety, they may in fact reflect decreased willingness to report these crimes and declining participation and confidence in the criminal justice system.

Comparisons across jurisdictions must be made with caution due to different institutional settings. Different approaches to policing may yield different crime rates, depending on whether the police respond formally or informally to certain crimes or offenders. For example,

police policies on charging vary among jurisdictions – some jurisdictions have pre-charge screening by prosecutors while others do not. The differences in legislation, institutions and services between jurisdictions may help to explain some discrepancies in prevalence rates.

Furthermore, quantitative data may be unavailable for some very important indicators. The number of women who are homeless because of spousal violence, the number of women hospitalized each year as a result of injuries caused by violence, the number affected by trafficking in women, gendered roles between men and women in Canadian society, changing attitudes of Canadians towards spousal violence, are indicators for which data is currently unavailable or may be available only through these small, localized studies.

Moreover, due to the different sources of data used in this document, comparisons over time and between jurisdictions are made only where possible. Important caveats often accompany these comparisons, since the results of statistical tests, such as tests of statistical significance and coefficient of variation may place limits on drawing definitive conclusions.

Finally, quantitative data themselves have serious limitations. They cannot portray the reality of violence in the lives of individual women – the fear such violence instills and the trauma it causes. It is the answers of women themselves that is necessary to provide the context and texture of that reality. Quantitative data always need to be complemented by qualitative data to give an accurate and complete picture of violence against women.

2. SIX QUESTIONS ABOUT VIOLENCE AGAINST WOMEN

The social concerns most often identified with violence against women include changes in prevalence over time; identifying correlates of violence to better intervene and target prevention efforts; and improving institutional responses to help victims and provide treatment to offenders. Given that the present document uses available data collection surveys and instruments, the indicators do not reflect a comprehensive set of answers to these concerns but provide a partial portrait of violence against women. These indicators could nonetheless be improved and expanded upon in the future by the development of more comprehensive data.

The indicators of violence against women are organized in relation to the following six themes:

- Severity and prevalence of violence against women
- Impact of violence against women
- Risk factors associated with violence against women
- Institutional and community-based responses
- Victims' use of services
- Public attitudes and perceptions

(a) The severity and prevalence of violence against women

Over the past two decades, communities and governments have invested considerable resources into efforts to reduce and prevent various forms of violence against women. Two important questions arise: Has violence against women in Canadian society decreased? Have these efforts made a difference? While a few simple indicators cannot detect whether certain programs and services have directly affected the level of violence, they will show possible changes that have taken place *at the same time* as prevention, intervention and prosecution efforts have been under way.

(b) The impact of violence against women

While it is difficult to assess the impact of violence against women, the impact indicators in this report relate to the personal costs of victimization, including physical injury, medical attention, time spent in hospital, and the number of victims who feared for their lives.

There is a growing understanding of the cyclical nature of violence. For example, within a violent spousal relationship various forms of psychological or financial abuse tend to increase as tensions build leading to acts of physical or sexual violence followed by a honeymoon stage where the abuser apologizes and is given another chance (Walker, 1989). Cycles of violence are also evident in the life spans of both victims and abusers who witness or suffer violence as children.

(c) Risk factors associated with violence against women

The ability to identify factors positively correlated with victimization is important for effective intervention and for targeting prevention efforts. Targeting resources requires knowledge about who is at risk of what types of violence and in what situations, and who is vulnerable to multiple, chronic and ongoing victimization. Knowledge about risk factors helps identify which sub groups of the population should be the focus of prevention efforts or social service supports.

Knowledge about risk factors and correlates of violence also helps to identify factors that are amenable to change. For example, efforts on the part of male partners to control their female partners' behaviour (psychological, financial and spiritual abuse) are highly correlated with using physical or sexual violence against them. This offers insights into the attitudes that co-exist with violence, and social conditions that are amenable to change through public education and other social interventions.

(c) Institutional and community-based responses

Since their early involvement in helping victims of violence, community advocacy groups and government provided safe houses and shelters for women and, more recently, treatment programs for violent men. Most jurisdictions in Canada now have mandatory charging or prosecution policies for spousal violence cases, and some even have specialized spousal violence courts (Yukon, Alberta, Manitoba, Ontario). Knowledge of how governments and community organizations have responded to the problem of violence against women will help address questions about the types of services available and how such availability has changed over time.

(d) Victims' use of services

The provision of services is separate from victims' actual use of these services. Victims may be reluctant to use certain services because of shame and embarrassment, mistrust of certain agencies, lack of knowledge about the existence of these agencies, or a fear of reprisals by the offender.

Indicators on offenders' use of services would also be valuable in gauging the extent to which perpetrators are receiving or seeking help. There was insufficient data available in this regard to develop preliminary indicators on offenders' use of services in this document. More comprehensive data in this regard would be most helpful in expanding upon these indicators in the future.

(e) Public attitudes

Research has shown that a strong link exists between attitudes supportive of male control over women, and the actual use of violence against intimate female partners and women generally. Attempts to change these attitudes have provided an important component in prevention programs and in treatment programs for violent men. Attitude change is a precursor to behavioural change; in other words, changing the attitude is a stepping stone to changing the actual behaviour. Nonetheless, monitoring changes in public attitudes will help assess progress in addressing some of the root causes of violence.

A recent report by EKOS Research Associates Inc. presents national-level data on public attitudes toward family violence. Some provinces have also conducted surveys related to public opinions on violence against women, including Saskatchewan, Manitoba, Quebec, New Brunswick, Prince Edward Island, and Newfoundland and Labrador. The combination of these six studies provides some indicator of regional distribution of prevailing attitudes toward violence against women, within and beyond the context of spousal violence.

8. What are the lessons learned from the preliminary indicators on violence against women project?

As with the development of most social indicators, the selection of the best available data sources that provide timely information about all regions of Canada can be challenging. While the development of these preliminary indicators was indeed challenging, it was also a learning experience.

During the development of these preliminary indicators, the F/P/T Senior Officials Responsible for the Status of Women and Statistics Canada sought the views of a wide range of non-governmental research groups, knowledgeable academics, equality-seeking women's organizations, government officials and others interested in eliminating violence against women. These sources provided valuable feedback, which informed the present publication. They also revealed significant gaps in the design of data collection, survey methodologies, common definitions, and sample sizes. These gaps affect the availability of analyses on all the dimensions of violence against women and on violence against women in all their diversity.

The following highlights some of the major areas where improvements are needed in the future:

- There is a lack of recent victimization survey data on sexual assault and sexual harassment (the most recent data dates back to 1993) and criminal harassment. This gap creates an incomplete picture of violence against women by focusing almost exclusively on spousal violence and homicide.
- Due to language barriers in the last victimization survey, there is insufficient data on immigrant and refugee women's experiences of violence. The same applies to

some Aboriginal women (the GSS was conducted in English and French only).

- The survey methodologies and sample sizes do not permit the disaggregation of data on violence against Aboriginal women, immigrant and refugee women, women of colour, women with disabilities, teenage women and girls, older women, women living in poverty, homeless women, women in rural and remote communities and lesbian and bisexual women. In the absence of sufficient data on women in all their diversity, these indicators cannot provide a complete profile of the experiences of all women in Canada nor of women's experiences of violence through their lifecycles.
- There is a lack of comprehensive national data on services to women victims of violence including transition houses and sexual assault centres.
- There is a lack of comprehensive national data on services to offenders of violence against women, including federal and provincial correctional-based services, community-based services and court-based services.
- Due to regional differences, there is a lack of comparable police-based charge data to assess charging rates. Likewise there is incomplete data on spousal violence and sexual assault cases before the courts, resulting in a lack of information regarding conviction, sentencing and recidivism rates.
- It was also noted that there is a lack of national data on the individual economic costs of violence against women including costs of the loss of financial supports, legal services, housing, mental and physical health, paid and unpaid work losses and retraining. Similarly there is a lack of recent national data on the societal economic costs of violence against women, including costs to community-based services and the criminal justice, health, welfare and social services systems.

It was pointed out that these limitations affect the current utility of information on violence against women (Jiwani, 2000). More predictable, reliable and accessible data on the causes, incidence, severity and impacts of violence service responses and effects of prevention efforts are needed.

Violence against women is a serious and pervasive threat to women's health, with detrimental social and economic consequences for society. It is a significant factor in service costs and consumption of individual, family and community resources. The development of these preliminary indicators is both timely and relevant to the companion work in the health and justice sectors where efforts are underway respectively to develop broad health preliminary indicators and assess the effectiveness of the criminal justice responses to violence.

While the preliminary indicators selected for this publication may be less than ideal, they provide a useful starting point. It is hoped that the distribution of this work on preliminary violence indicators can be useful to the development of standards for future indicators, which would be collected and reported regularly and would also be readily accessible. As such they would improve the quality of information available to inform future policy, program developments and community action.

The Severity And Prevalence of Violence Against Women

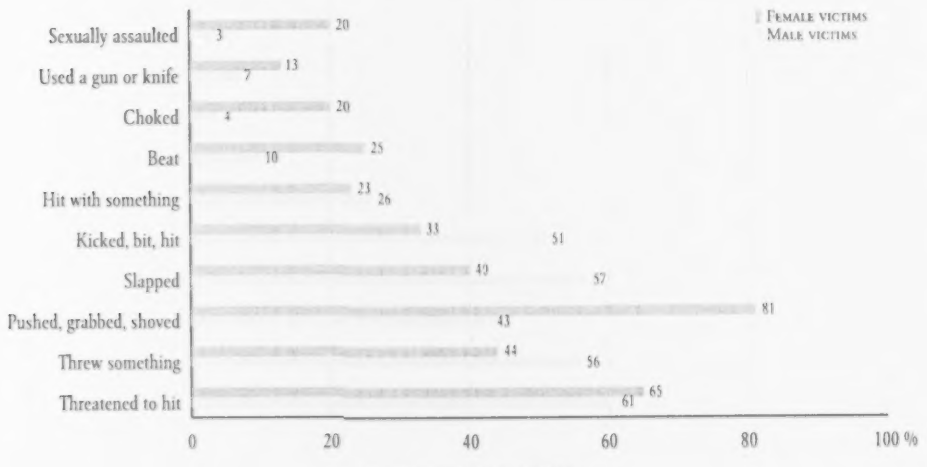
The 1993 VAWS found that 51% of Canadian women had experienced at least one incident of physical or sexual violence since the age of 16, and of those women, almost 60% were the victim of more than one such incident. With regard to the identity of the perpetrator, the VAWS found that 25% of Canadian women had experienced violence at the hands of current or past spousal partners (married or common-law) since the age of 16. The survey also indicated that 16% of Canadian women had experienced violence at the hands of dating partners, 23% at the hands of other known men, and 23% at the hands of strangers. Grouped together, 45% of all women had experienced violence by men known to them, twice the proportion by strangers (over half of all women who reported violence, reported more than one incident – which accounts for any apparent inconsistencies in these numbers).

Spousal Assault

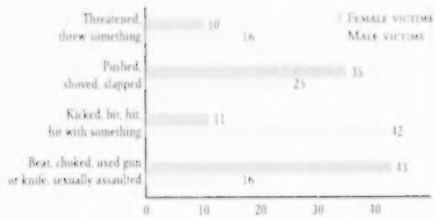
Spousal assault was first identified as an important social issue in the early 1970s due to the efforts of the women's movement. Spousal assaults are rarely isolated incidents. According to both the GSS and the VAWS, in about two thirds of all cases of spousal assaults against women (including common-law relationships) the violence occurred more than once, and one quarter to one third involved more than 10 episodes.

Note: In this document the terms "spouse" and "spousal" refer to both marital and common-law unions, unless otherwise specified. The data from the 1999 GSS related to spousal violence include a small number of same-sex spousal relationships, however, the numbers were too small to make statistically reliable estimates.

Telephone surveys such as the VAWS and the GSS randomly select a sample of the population to be interviewed (age 18 and over for the VAWS; 15 and over for the GSS). The responses of each person interviewed are weighted to produce estimates for the overall population. An estimate of the total population, expressed as a percentage, is expected to be within about 1% of the true percentage, 19 times out of 20. Estimates of smaller subpopulations (such as smaller provinces) will fall within a wider range. As a result, estimates from two points in time, or between two subgroups in the population, may have a wide and overlapping range and therefore will not show a statistically significant difference. (See Appendix 2 for detailed descriptions of these surveys).

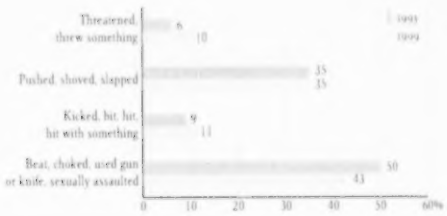


Source: Statistics Canada, 1999 GSS



Differences between women and men are statistically significant.

Source: Statistics Canada, 1999 GSS

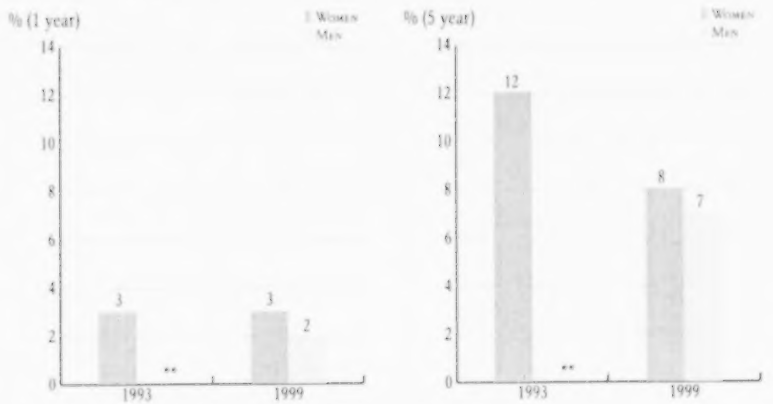


Differences between 1993 and 1999 are statistically significant.

Source: Statistics Canada, 1993 VAWS; 1999 GSS

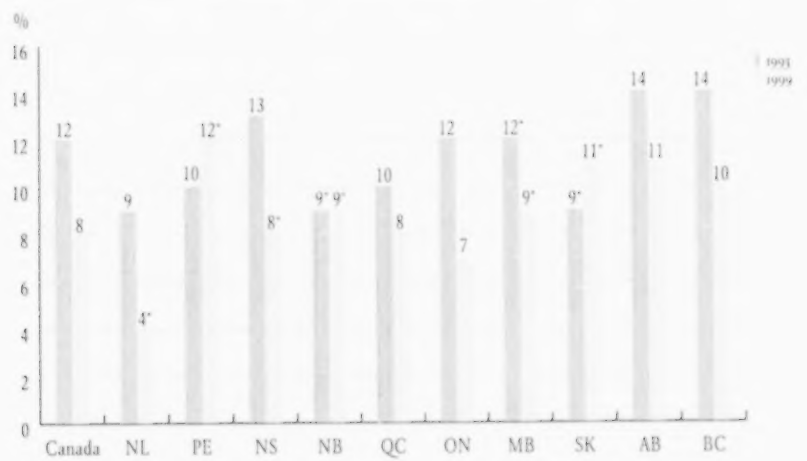
	Violence Against Women Survey (1993)	General Social Survey (1999)	Impact
Survey Instrument			
Focus	Single focus on acts of violence against women	Multi-faceted crime victimization survey	Minor
Number of questions	10 in sequence	10 in random order with first two in sequence	Minor
Content of questions	10 questions on violence against women	10 questions on violence against women modelled after the VAW survey	Nil
Sex of Interviewers	Women	Women and men	The respondents in the GSS had the choice to change interviewers if they felt uncomfortable.
Sample			
Sample size	12,300	25,876	The sample was weighted to the population.
Age of Respondents	18 years or older	15 years or older	Minor
Sex of Respondents	Women	Women and men	Minor
Respondents' contact with previous spouse	All women with previous partners were questioned about violence in the relationship	Only women who had contact with previous spouse during the last five years were questioned about violence in the relationship	If the VAWS procedure had been used with the GSS, the number of women questioned about violence by past partners would be higher and, as a result, the rates of violence by previous spouse would be slightly lower for women and men.

Source: Canadian Centre for Justice Statistics (2000). Family Violence in Canada: A Statistical Profile, 2000. Catalogue no. 85-224-XIE-XIF.



** Data not available for men. Both the decline in rates of spousal violence against women between 1993 and 1999, and the difference in rates against women and men in 1999, are statistically significant.

Source: Statistics Canada, 1993 VAWS; 1999 GSS



*Coefficient of variation is high (16.6% to 33.3%) due to low sample counts.

The changes in rates of spousal violence against women between 1993 and 1999 are statistically significant at the national level and in all provinces, with the exception of Prince Edward Island, New Brunswick, Manitoba and Saskatchewan.

Source: Statistics Canada, 1993 VAWS; 1999 GSS

Severity of Spousal Assault

In general, women are more frequently subjected to more severe forms of violence from men, than men are from women.

For example, twice as many women as men are beaten, five times as many are choked, and almost twice as many have a gun or knife used against them (Figure 1).

Moreover, 20% of women who were victimized by a spouse were sexually assaulted, and twice as many women as men victims of spousal assault reported chronic, ongoing assaults (10 or more – see Figure 10). This finding is despite the fact that women and men reported similar prevalence rates to the 1999 GSS. The impact of spousal assault is also more severe for women, as show in Figures 9-11.

	Total		Female		Male	
	No. (000s)	%	No. (000s)	%	No. (000s)	%
Total – ten provinces	1,239	7	690	8	549	7
Newfoundland and Labrador	14	5	6	4†	8	5†
Prince Edward Island	7	10†	5	12†	3	7†
Nova Scotia	38	7	22	8†	16	6†
New Brunswick	34	8	18	9†	16	7†
Quebec	312	7	167	8	145	7
Ontario	366	6	212	7	153	5
Manitoba	46	8	26	9†	19	7†
Saskatchewan	51	10	30	11	20	8†
Alberta	158	10	90	11	68	9
British Columbia	214	9	113	10	101	9

† Coefficient of variation is high (16.6% to 33.3%) due to low sample counts
Includes common-law partners
Source: Statistics Canada, General Social Survey, 1999

Overall, women were almost three times as likely as men to report the most serious forms of violence ranging from being beaten up to sexual assault. The estimated number of women experiencing these types of assaults over the five-year period was 300,000.

Spousal assault severity and prevalence rates can be compared over two time periods, the five years prior to the 1993 VAWS and the five years prior to the 1999 GSS. The methodology of each survey differs somewhat: the 1993 VAWS contained a single focus on acts of male violence against women, while the 1999 GSS was a general crime victim survey with a special module of questions modeled on the VAWS. Although there were attempts to make these surveys as similar as possible, comparisons should be made cautiously (see Box 1).

A comparison of 1993 and 1999 data presents some evidence that the severity of the assaults has diminished slightly. There was a slight reduction between 1993 and 1999 in the percentage of women subjected to the most severe types of assault (beating, choking, sexual assault), from 50% of all victims in 1993 to 43% in 1999. There was also a possible decline in the proportion of victims reporting injury requiring medical attention, or experiencing chronic ongoing assaults (10 or more – see Figure 10). These declines are small but statistically significant.

These apparent shifts may be a result of improved societal interventions, which help to reduce the escalation of violence in spousal relationships. It should be noted, however, that these possible decreases have not translated into a decrease in the use of shelters for abused women, the demand for which has generally increased over the past 10 years (see Figures 28-29).

Note: Provincial variations in the changing severity of wife assault cannot be assessed as data is not available at this level for all provinces and territories.

Prevalence of Spousal Assault

According to victimization data, 3% of women who were living in a spousal relationship in 1999 had been physically or sexually assaulted by a spousal partner in the preceding year, representing approximately 220,000 women. This percentage had not change since 1993 when 3% or 201,000 women were victims of spousal violence.

However, comparisons between the 1993 VAWS survey and the 1999 GSS suggest there may be a decline in spousal assault at least according to five-year prevalence rates. Eight percent of women in 1999 said they had been assaulted at least once in the preceding five-year period, a figure that represents approximately 690,000 women. In 1993, 12% of women had been assaulted by a marital or common-law

Source: Statistics Canada, 1993 VAWS

partner in the preceding five years. The figure for men in 1999 was 7%. This possible drop contrasts police report data (see Figure 4) and should therefore be viewed cautiously.

Although it may be premature to speculate on reasons for a potential decline in prevalence rates of spousal assault, some factors could have played a role. These include:

- increased use of services by abused women;
- increased public awareness;
- improved training for police officers and Crown attorneys;
- coordinated interagency referrals in many jurisdictions;
- increased number of treatment programs for violent men;
- positive changes in women's social and economic status that may enable them to leave abusive relationships at earlier stages (Dugan et al, 1999; Rosenfeld, 1997; Dawson, 2002 – see Appendix 1: Economic Equality Indicators); and
- mandatory charging or prosecution policies in spousal assault cases.

Figure 3.2 shows the five-year prevalence rates of spousal assault for each of the provinces. For Canada and half the provinces (Nova Scotia, Quebec, Ontario, Alberta, British Columbia) the surveys have a low coefficient of variation and the change in prevalence rates is statistically significant. This means that the difference between 1993 and 1999 rates is likely real and not the result of sampling. Similar data are not available for the territories.

The estimated number and rates of spousal assault against both men and women by province are set out in Figure 3.3.

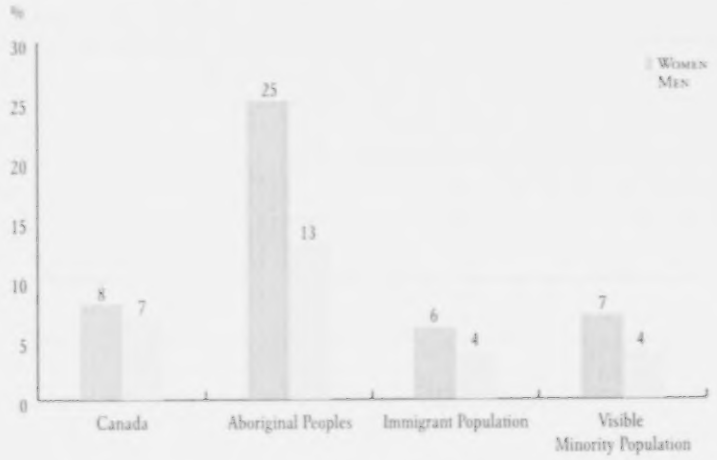
The national rate of spousal assault against women doubles when considering the lifetime prevalence rate. According to the 1993 VAWS, 12% of women were victimized by a spouse within the past five years, whereas 25% of women reported being attacked by a spouse over their lifetime. This pattern holds true for the provinces. The lifetime prevalence rates are shown in Figure 3.4 and the estimated numbers and rate are shown in Figure 3.5.

Aboriginal women stand out as one group with much higher than average rates of spousal violence. These women reported spousal violence rates twice as high as Aboriginal men and three times higher than non-Aboriginal women and men.

In the Report of the Royal Commission on Aboriginal Peoples (RCAP, 1996) a number of factors that are linked to violence in Aboriginal communities were identified. These factors include systemic discrimination against Aboriginal peoples, economic and social deprivation, alcohol and substance abuse, and the intergenerational cycle of violence. According to RCAP hearings, other

	Type of violence							
	Total		Spousal assault		Other sexual assault		Other physical assault	
	No. (000s)	%	No. (000s)	%	No. (000s)	%	No. (000s)	%
Total – ten provinces	5,377	51	2,652	25	3,841	37	1,768	17
Newfoundland and Labrador	68	33	30	14	52	25	19	9
Prince Edward Island	24	51	10	22	19	39	7	15
Nova Scotia	174	50	95	27	122	35	59	17
New Brunswick	126	46	62	23	90	33	35	13
Quebec	1,240	46	599	22	830	31	374	14
Ontario	2,070	53	972	25	1,499	38	696	18
Manitoba	200	49	104	26	144	35	57	14
Saskatchewan	164	46	88	25	112	32	42	12
Alberta	545	58	277	30	391	42	200	21
British Columbia	765	59	415	32	582	45	280	22

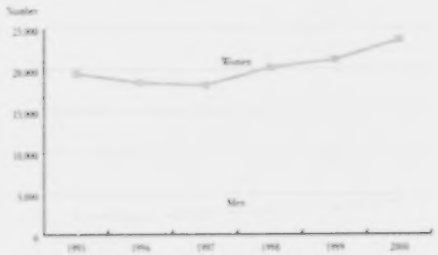
Includes common-law partners.
Source: Statistics Canada, VAWS, 1993



Differences between women and men are statistically significant for all groups except immigrants.
Source: Statistics Canada, 1999 GSS

factors contributing to the high level of violence in Aboriginal communities include the breakdown of healthy family life resulting from residential school upbringing, racism against Aboriginal peoples, the impact of colonialism on traditional values and culture d overcrowded, substandard housing.

Since the 1999 GSS was conducted only in English and French, the rates in Figure 3.6 may under-represent the actual rates of spousal assault among Aboriginal, immigrant and visible minority populations, some of whom may not have been able to respond to the survey.



These data are based on a sample of 106 police agencies that reported to the Revised UCR Survey from 1995-2000. These data account for 41% of all crimes reported to the police in 2000 and are not nationally representative.

Source: Statistics Canada, Revised Uniform Crime Reporting Survey

Immigrant and visible minority women reported rates similar to the national average whereas men in these groups had lower than average rates (Trainor & Mihorean, 2001).

The results of the 1999 GSS describe rates of violence committed against Aboriginal people, immigrants, and visible minorities, but the identity of perpetrators is unknown. Assumptions should not be made about the cultural identity of perpetrators based on the identity of victims.

Note: There are different ways to represent the Aboriginal population of Canada. The Aboriginal identity population (799,010) from the 1996 Census was used to obtain information on those who identified with one or more Aboriginal groups (North American Indian, Métis or Inuit). The 1996 Census also provides information on those reporting at least one Aboriginal origin or ancestry (1,101,960). Depending on the application, data using either concept may be appropriate for defining the Aboriginal population. This report uses the Aboriginal identity concept as the definition for the Aboriginal population.

With respect to the immigrant population, respondents to the 1999 GSS were asked to identify their country of birth and the year in which they first took up permanent residence in Canada. However, since eligibility to participate in the survey applied only to those immigrants who were able to communicate in English or French, these figures may underestimate actual rates of spousal violence.

The GSS also asked respondents to identify their cultural or racial background. The visible minority population includes the following groups: Chinese, South Asian, Black, Arab/ West Asian, Filipino, Southeast Asian, Latin American, Japanese, Korean and Pacific Islander.

Police-reported data on spousal assault

Police data on spousal assault incidents come from the *Revised Uniform Crime Reporting Survey* (UCR2) and do not contain data from all provinces with the notable exception of Quebec, which has nearly 100% coverage of police agencies (including Sûreté de Quebec, most municipal and some Aboriginal police forces). Although all police agencies across the country provide Statistics Canada with an annual statistical accounting of all known crimes, not all can provide details of assaults involving marital or common-law partners. Available date is based on a sample of 106 police agencies that have consistently participated in the UCR2 since 1995.

Police-reported data indicate that women represent 85% of victims of spousal assault in the years 1995 to 2000. In 2000, the cases of 23,558 women and 4,105 men were reported to these 106 police departments. The higher proportion of female victims for cases of spousal assault is consistent with a report published by the Quebec Department of Public Security (2001). Using data from virtually all Quebec police forces, the report shows that women represent 85% of all spousal violence victims. Men, on the other hand, represent nine out of ten alleged perpetrators.

This finding suggest that incidents involving female victims are more likely to approach the level of severity requiring police intervention (Ministère de la Sécurité publique, 2001).

According to the UCR2, the number of spousal assaults against women reported to the police dropped between 1995 and 1997, then increased between 1998 and 2000. The number reported by male victims increased steadily over this six-year period. In Quebec, police reported incidents of spousal assault increased 19% between 1997 and 2000.

Similar data are available at the provincial level for a few provinces. For example, in 1999, police forces in New Brunswick received 854 calls related to women abuse (defined as incidents where women were victims of a *Criminal Code* offence by an intimate partner, including dating relationships).

In British Columbia, 9,841 incidents of spousal assault were reported to the police in the same year, of which 88% involve male offenders. That same year, the percentage of offences resulting in a criminal charge was higher for spousal assault incidents (74%) than for non-spousal assaults (42%). Four in 10 spousal assaults against women resulted in a conviction.

Source: Statistics Canada, Homicide Survey

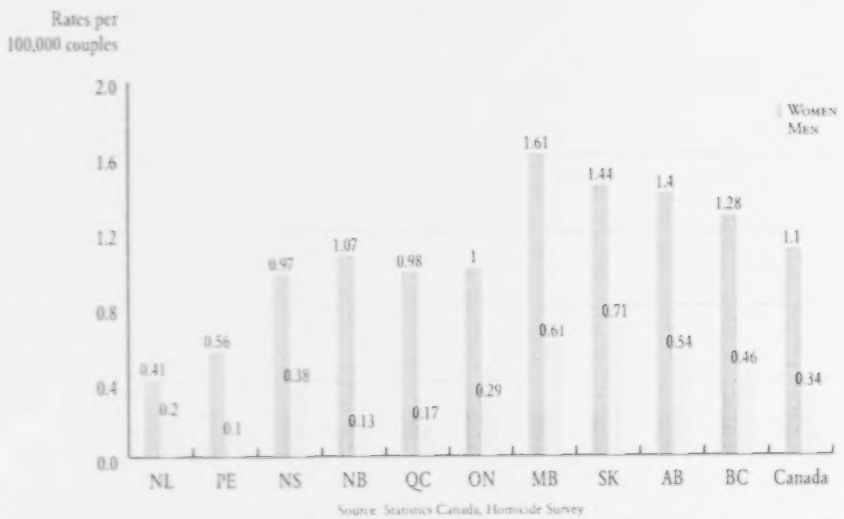
Spousal homicide rates for both women and men have fluctuated over the past 25 years and have generally declined in recent years. The overall rate for females decreased by about 26% between 1993 and 2000, from .85 to .68 per 100,000 couples. The rate for males decreased 39%, from .33 to .20 per 100,000 couples during this same time period.

It is not clear from police statistics whether the person accused of spousal homicide was acting in self-defence or was victim precipitated. Statistics Canada Homicide Survey reports only the original charges – there is no follow-up to determine if the charge was reduced or the accused was found guilty. In 40% of spousal killings of men in which police had the requisite information, the police made the attribution that the victim was "the first to use or threaten to use physical force or violence in the incident." In contrast, in only 5% of spousal killings of women where police had the requisite information, did the police make the attribution that the victim initiated the violence (Fedorowycz, 2001).

In the majority of spousal homicides against women, police were aware of previous domestic violence in the family; between 1993 and 2000, 74% of homicides perpetrated by ex-husbands, 57% of homicides perpetrated by common-law husbands and 41% perpetrated by husbands in legal marriages had a history of domestic violence.

Note: In order to make comparisons among geographic regions with different population levels, it is necessary to standardize rates to a common unit. Rates of spousal homicide are presented as the number per 100,000 couples because of the small number of homicides in most jurisdictions.

The decrease in the spousal homicide rate from 1993 to 2000 may be due to, among other things, increased community-based supports, mandatory charging policies and improved training of police officers. The decline in spousal homicide rates could also be attributed partially to the fact that women may have developed a lower tolerance for spousal violence and an increased tendency to leave



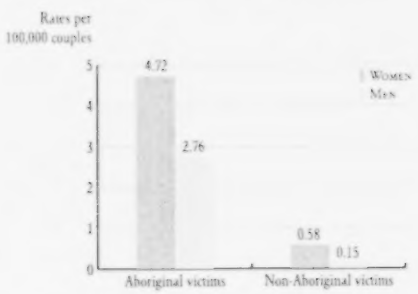
Source: Statistics Canada, Homicide Survey

Note: Over this time period, rates of spousal homicide decreased in some provinces. Declines for women were significant in Quebec, Ontario, Manitoba and British Columbia. Declines for men were significant in Ontario and British Columbia.

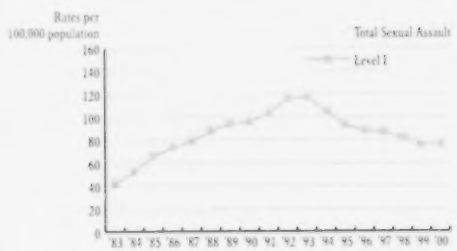
	1974-2000 total		1974-2000 average annual number of homicides	
	Female victims	Male victims	Female victims	Male victims
Newfoundland and Labrador	15	7	0.6	0.3
Prince Edward Island	5	1	0.2	0.0
Nova Scotia	59	23	2.2	0.9
New Brunswick	51	6	1.9	0.2
Quebec	446	78	16.5	2.9
Ontario	681	186	25.2	6.9
Manitoba	117	44	4.3	1.6
Saskatchewan	94	47	3.5	1.7
Alberta	223	86	8.3	3.2
British Columbia	279	99	10.3	3.7
Yukon	8	4	0.3	0.1
Northwest Territories•	21	13	0.8	0.5
Nunavut	1	1	–	–
Canada	2,000	595	74.1	22.0

• Includes Nunavut before 1999
– Figures not appropriate or not applicable

Source: Statistics Canada, Homicide Survey



Source: Statistics Canada, Homicide Survey



It is not possible from this survey to identify male and female victims separately.

Source: Statistics Canada, Uniform Crime Report Survey

relationships before the violence reaches a critical and deadly stage (see Dawson, 2002 and Pottie Bunge, 2002 for an exploration of declining intimate partner homicide rates).

Rates of spousal homicide were lowest in Newfoundland and Prince Edward Island and were also relatively low for men in New Brunswick and Quebec. The highest rates are showing in the western provinces. In almost all of the provinces and territories, homicides of women outnumbered homicides of men by a ratio of at least two to one.

The actual number of spousal homicides is relatively low in the territories. However, when calculated as a rate per 100,000 couples, rates in the Yukon were 4.7 for women and 2.2 for men, and rates in the Northwest Territories were 7.8 for women and 4.8 for men (not shown in Figure 5.1 due to difference in scale).

This pattern mirrors the overall homicide rates in the general population, which tend to be higher in the territories and the western provinces.

Figure 5.2 gives a clearer indication of the magnitude of the problem of spousal homicide in each of the provinces and territories showing both the total and the average number of women and men killed by spouses over the 27-year period.

Just as spousal assaults were higher for Aboriginal people, spousal homicide rates for Aboriginal women were more than eight times the rate for non-Aboriginal women. Rate of spousal homicide for Aboriginal men outnumbered those for non-Aboriginal men by a factor of 18.

Sexual Assault

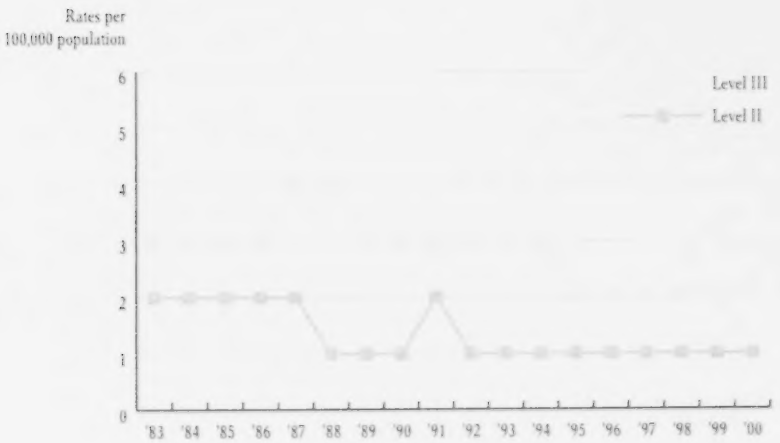
The most detailed information on sexual assault is available from the 1993 national VAWS. At that time, 39% of Canadian women reported having had at least one experience of sexual assault since the age of 16. The definition of sexual assault in this survey includes both a violent sexual attack and unwanted sexual touching, both of which conform to *Criminal Code* definitions of sexual assault.

Unfortunately, the 1999 GSS did not contain the same kind of expanded data related to sexual assault outside of a spousal relationship (legal marriages and common-law unions), which accounts for the lack of trend data. Trend data do exist for police- reported cases of sexual assault. However, since victimization surveys suggest that only 10% or fewer women who are sexually assaulted report these assaults to the police, police data significantly underestimates the incidence of sexual assault (VAWS, 1993; GSS, 1999 – see Figure 27).

In 1983 the *Criminal Code* offences of rape, attempted rape and indecent assault were abolished, and replaced with three levels of a new offence of sexual assault that paralleled the new offences of assault (see "Sexual Assault" in Section 1). The changes aimed to reduce the trauma to victims and increasing the likelihood of a just outcome by:

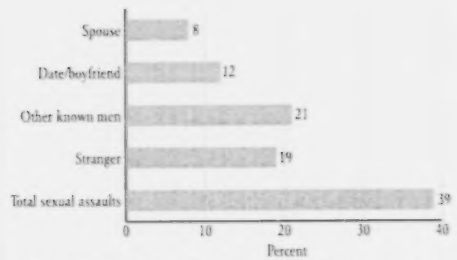
- de-emphasizing the sexual nature of the offences;
- stressing the violence and assaultive nature of such crimes;
- encouraging victims to report incidents to the police and
- improving police handling of the cases;

These changes reflect the fact that both women and men could be victims of sexual assault and they established that husbands and wives could be charged for raping their spouse.



It is not possible from this survey to identify male and female victims separately.

Source: Statistics Canada, Uniform Crime Report Survey



Includes sexual attack and unwanted sexual touching for strangers and other known men; includes sexual attack only for date/boyfriend and spouse.

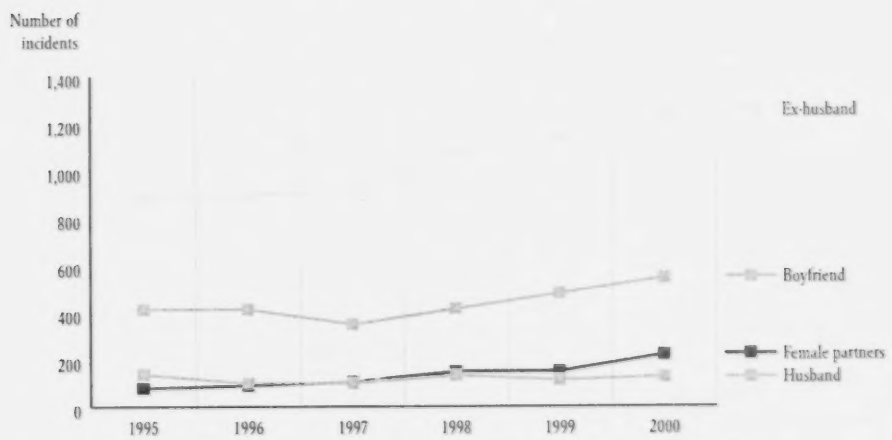
Source: Statistics Canada, 1993 VAWS

The definition of sexual assault now encompasses conduct ranging from unwanted sexual touching to sexual violence resulting in serious physical injury to the victim. Correspondingly, an offence is assigned to one of three levels, according to the seriousness of the offence or the degree of physical injury sustained by the victim. A level I offence involves minor physical injuries or no injuries to the victim (and carries a maximum of 10 years' imprisonment). A level II sexual assault involves the use of a weapon or threats, or results in bodily harm (and carries a maximum of 14 years' imprisonment). A level III sexual assault (aggravated sexual assault) results in wounding, maiming, disfiguring or endangering the life of the victim (and carries a maximum sentence of life imprisonment).

The statistics for reported sexual assaults show a steady increase following the change in legislation in 1983, and a recent steady decline in reported incidents. They also show that over 90% of all reported incidents are recorded as level I assaults (the least serious).

It is unknown to what extent these data reflect actual trends in changing levels of sexual violence in Canadian society, or changes in the willingness of sexual assault victims to bring these to the attention of the police. The vast majority of victims of sexual assault offences reported to police are female.

A snapshot of women who reported sexual assault to the 1993 VAWS, shows that sexual assaults against women are twice as likely to involve known men as they are to involve strangers. About one in five women reported sexual assault by strangers or known men, other than intimate partners, 12% by dates and 8% by spouses. Taking spouses, dates and boyfriends and other known men together, 38% of women had been sexually assaulted at least once by a man in this group compared to 19% by a male stranger. Almost 60% of women who reported experiences of sexual assault reported more than one such experience and so were counted in more than one category.



These data are based on a sample of 106 police agencies that reported to the Revised UCR Survey from 1995-2000. These data account for 41% of all crimes reported to the police in 2000 and are not nationally representative.

Source: Canadian Centre for Justice Statistics, Statistics Canada, Revised Uniform Crime Reporting Survey

Criminal Harassment

In 1993, the offence of criminal harassment, also known as "stalking," was introduced to the *Criminal Code*. Although criminal harassment is not gender specific, the legislation was mainly introduced as a response to violence against women, and in particular, spousal assaults against women (Department of Justice, Canada 1999). Several highly publicized cases of women being stalked and killed by their estranged partners in the early 1990s provided the impetus for this legislation, in the hope that early intervention in response to criminally harassing behaviour might prevent the escalation of violence.

Criminal harassment is an obsessive behaviour directed towards another person. Section 264 of the *Criminal Code*, defines criminal harassment as repeatedly following another person from place to place or repeatedly attempting to contact that person. The legislation also encompasses such behaviours as watching or keeping watch over someone's home or workplace, and making threats towards another person. As a result of such behaviour, the victims have reasonable cause to fear for their safety or that of someone close to them.

In 2000, three-quarters of criminal harassment incidents reported to the police were directed at female victims. In half of these incidents, women were stalked by a person with whom they had an intimate relationship. The most common situations involved male ex-spouses (including common-law partners) and boyfriends. The number of male ex-spouses and boyfriends known to police for stalking has risen in recent years.

Overview of severity and prevalence of violence against women

Preliminary indicators on spousal assault, spousal homicide, sexual assault, and criminal harassment were developed using victimization data and police-reported data.

According to the 1999 GSS, women are more likely than men to be victims of the most severe and frequent forms of spousal assault. The severity of this violence however, may be showing signs of a decline. Although the number of female victims of spousal assault is still high, preliminary conclusions suggest there is a decline in five-year prevalence rates. Spousal assault of women within the previous year, however, does not appear to have decreased.

For spousal homicide, the rate has decreased in recent years, after fluctuating over the last 25 years. It is still the case, however, that more men than women kill their intimate partner every year.

According to the VAWS, over one-third of adult women stated that they were sexually assaulted since they were 16 years old. With regards to criminal harassment, three-quarters of the incidents reported to police were directed at female victims.

The possible decline in the severity and prevalence of spousal assault, as well as the actual decrease in spousal homicide may be a result of improved social interventions, such as the increased use of services by abused women. However it is still too early to draw any definitive conclusions on the questions of whether violence against women has actually decreased and whether efforts have made a difference.

The Impact of Violence Against Women

One of the challenges to measuring the impact of violence against women is the difficulty in adequately reflecting the actual emotional and psychological impact. A single incident of assault or sexual assault against a woman can be a life-shattering experience. Sexual and spousal assaults against women can effectually reinforce traditional, antiquated beliefs that women are valid targets of male aggression and have a subordinate place in society. As a result, women who have been assaulted may internalize these messages and feel guilt, shame and low self-esteem.

Whether or not they have personally experienced violence, women tend to be twice as fearful as men of violent crime. The 1999 GSS indicated that 65% of women were worried about their safety after dark, while waiting for or using public transport as opposed to 29% of men. Another 18% of women felt unsafe walking alone after dark in comparison to 6% of men. Even in their homes, 29% of women were worried about their safety alone at night as opposed to 12% of men.

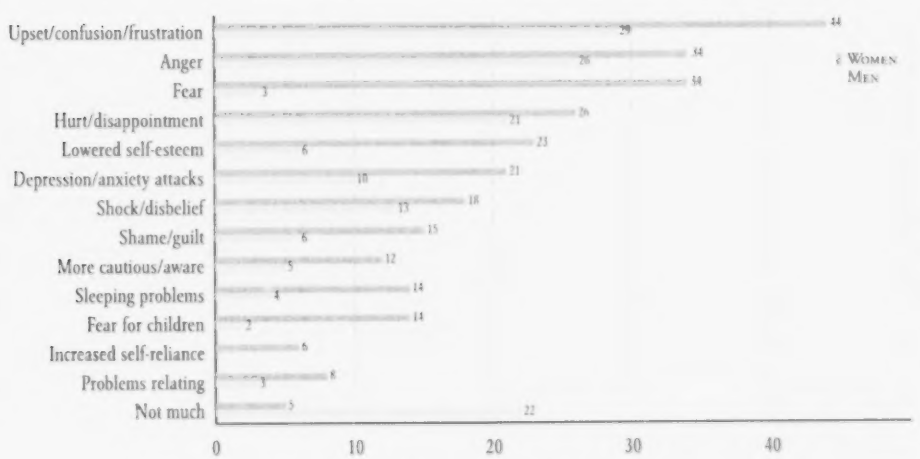
The economic costs of violence against women are difficult to gauge. However, three Canadian studies have estimated the significant economic costs of violence against women. One study showed that the total annual measurable costs relating to health and well-being alone amount to over $1.5 billion (Day, 1995).

The second study estimated preliminary partial social services/education, criminal justice, labour/employment and health/medical costs of violence against women to be at least $4.2 billion (Greaves, et al, 1995).

The third study estimated that, in British Columbia alone, the partial economic costs of violence against women were $385 million and that with the addition of the missing costs of health care, child service, court costs and intergenerational effect, the total could approach $1 billion per year (Kerr & McLean, 1996).

Female victims of spousal assault, according to the 1999 GSS, often described the psychological consequences of the assaults in negative terms, including:

- being upset and confused;
- suffering lowered self-esteem;



Differences between women and men are statistically significant.

Source: Statistics Canada, 1999 GSS

- suffering depression and anxiety attacks;
- suffering shame and guilt;
- suffering sleeping problems, and;
- fearing for themselves and their children.

While substantial proportions of male victims of spousal violence also reported negative emotional consequences, they were much more likely than women to say the experience had little or no effect on them.

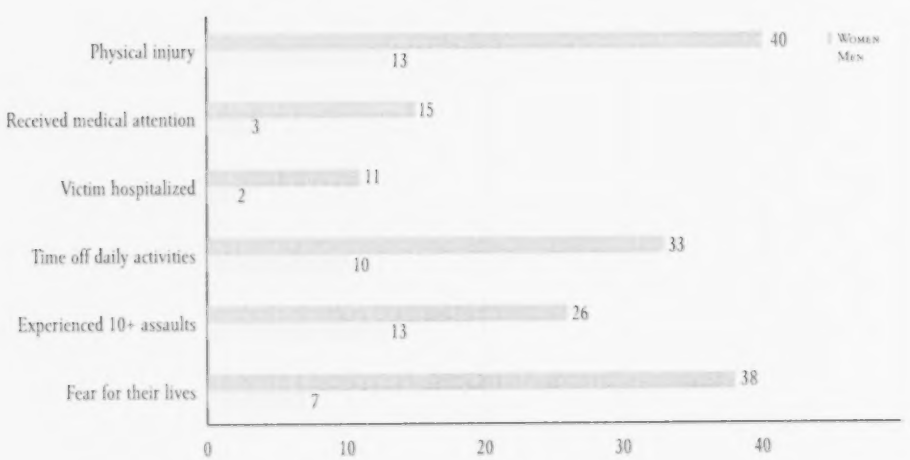
Acts of spousal violence against women are more likely to result in other serious consequences for victims than those against men. Women are:

- three times more likely than male victims to be physically injured by partners;
- five times more likely to receive medical attention;
- five times more likely to be hospitalized as a result of the violence;
- three times more likely than male victims to be obliged to take time off paid or unpaid work to deal with the consequences of the violence; and
- twice as likely to report chronic, ongoing assaults (10 or more).

Between 1993 and 1999, the percentage of women who were physically injured by a violent spouse decreased from 47% to 40% of all female victims. The percentage of women who received medical attention dropped from 21% to 15%.

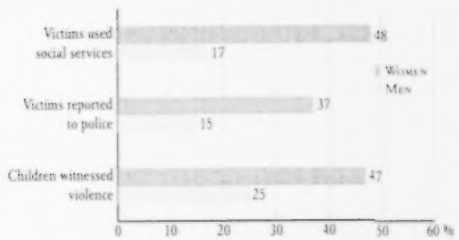
Perhaps the most salient indicator of seriousness is the woman's fear that her life is in danger from a violent spouse. Again, women were five times more likely than men to say they feared for their lives. This is consistent with the data that indicates that women suffer from more severe acts of spousal assault than men and are more likely to be killed by a spouse during periods of marital separation. Contrary to other indicators of a possible decline in severity of assaults on women in 1999, there appears to be a possible slight increase in the percentage of women who said they feared for their lives in 1999 compared to 1993 (38% up from 35%). This suggests that fearing for your life can result from credible threats of violence and death, not only from direct experience of physical abuse.

The societal costs of spousal violence in terms of supplying and maintaining medical services, counseling and shelter services, and criminal justice services are also greater for female victims. Given that women are more likely to suffer serious spousal assaults, they are more likely to require and to use the services of social services agencies such as counselors, crisis lines, family centres and shelters. They are also twice more likely to look to the police for protection from a violent spouse.



Differences between women and men are statistically significant.

Source: Statistics Canada, 1999 GSS



Differences between women and men are statistically significant.

Source: Statistics Canada, 1999 GSS

The costs to families and to society when children witness violence against a parent can be severe and include psychological, social, cognitive and behavioural maladjustment problems (Fantuzzo, et al., 1991; Graham-Bermann & Levendosky, 1998; Moore & Pepler, 1998; Jaffe et al., 1990).

As Figure 11 shows, children witnessed spousal assault in a substantial number of cases reported to the 1999 GSS, and child witnesses to violence were more prevalent in assaults against women than in assaults against men. It is estimated that over a five-year period, at least 321,000 children were aware of violence against their mothers and 140,000 knew of assaults on their fathers (Dauvergne & Johnson, 2001).

These are conservative estimates, as research suggests that parents may minimize or discount the extent to which their children are aware of the violence committed against them (Jaffe, et al. 1990; O'Brien, et al. 1994).

Overview of Impact of Violence Against Women

The impact of violence on women and on society as a whole can be a complex matter to quantify. In this section, the impact of this problem was assessed on various levels, including economic, psychological and social.

Three Canadian studies documented the high economic costs associated with violence against women. Some of these costs are related to health care, criminal justice and social services.

Female victims, in contrast to male victims, are much less likely to report that the assault had little or no effect on them. For example, female victims were three times more likely than men to be physically injured and five times more likely to receive medical attention.

A discernable impact of spousal assault identified by the 1999 GSS findings involves the impact upon children who witness spousal assault.

Risk Factors Associated With Violence Against Women

Certain socio-demographic characteristics are associated with a high risk of violence. Risk factors are identified for physical or sexual spousal assaults, sexual assaults and spousal homicide. This knowledge can be usefully applied when deciding on which group to best focus prevention and intervention efforts. Similarly, knowing that the risk of violence is elevated among men who demonstrate certain attitudes towards their female partners proves useful in deciding how to intervene, and what individual or social conditions need changing in order to decrease the level of violence. For example, the data indicates that young women are at a particularly high risk of being subjected to male violence, demonstrating a need for information and sensitization activities targeted towards young women and men.

Note: A one-year snapshot is used to assess risk factors or correlates of violence, since many of these factors can change over time. Victimization data for more recent years are not available for sexual assault.

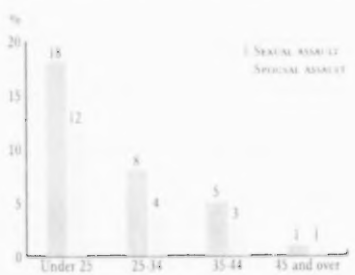
The greatest gains in the possible reduction in rates of spousal assault against women between 1993 and 1999 were among young women under 25, the highest risk group. This decline occurred simultaneously with a number of social changes, including:

- early interventions and prevention programs for teens and young adults
- improved community supports that enable young women to leave or avoid violent relationships in the early stages
- decreased stigma associated with seeking help for violent victimization
- decreased stigma associated with marital break-up.

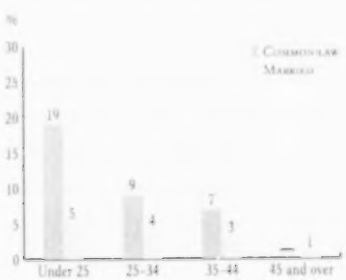
However, rates of violence continue to be highest among the youngest women. Young women under 25 report the highest rates of both spousal and sexual assault, and these rates decline with age.

It would appear from this data that more attention is needed in the formative relationship-building years of adolescence to teach development of healthy relationships, awareness of problems in relationships and importance of seeking help when necessary.

Over a one-year period, 19% of young men living in common-law unions assaulted their female partners. This represents six times the national average rate of spousal assault of women (which is 3%). Rates decline by age for men in both marriage and common-law unions. However, for men under age 45, rates of spousal assault on women are higher for men in common-law unions than in marriages.

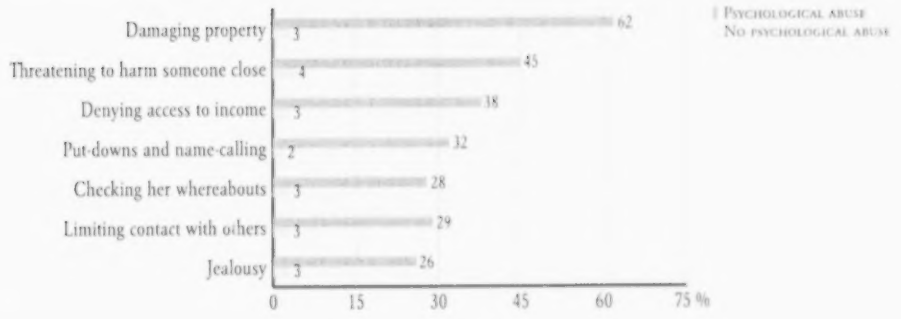


Source: Statistics Canada, 1993 VAWS



Too few to make statistically reliable estimates

Source: Statistics Canada, 1993 VAWS



Source: Statistics Canada, 1999 GSS

Note: Sample sizes for one-year rates of spousal assault against women by men's age and type of unions were too small to produce statistically reliable estimates from the 1999 GSS.

Figure 14 shows the higher rates of physical and sexual spousal assaults against women by a psychologically abusive partner. While the use of psychologically abusive tactics is a form of abuse itself, it also appears to be an indicator of escalating severity of abuse into sexual and spousal assaults. As indicated in the figure, the use of psychologically abusive tactics is a strong predictor of physical or sexual assault on female partners.

For example, where women experienced emotional abuse in the form of intentional damage to their personal property, 62% were victims of spousal assault, compared with 3% where their property was not damaged. These data indicate that male spouses who demonstrate any of the following behaviours have much higher rates of assaulting their female spouse than those who do not:

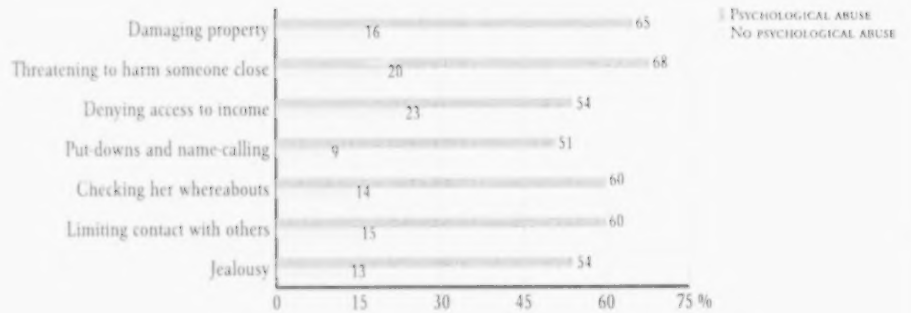
- damage or destroy her possessions or property, including harming or killing a pet;
- harm or threaten to harm someone close to her;
- prevent her from knowing about or having access to the family income, even if she asks;
- put her down or call her names to make her feel bad;
- demand to know whom she is with and where she is at all times;
- limit her contacts with family or friends
- are jealous and not wanting her to talk to other men.

Figure 14 illustrates that rates of spousal assault (physical or sexual violence in a conjugal context) are up to 20 times higher for women whose male partners demonstrate these behaviours. This describes relationships that were current at the time of the interview. Figure 15 illustrates a similar pattern for women describing physical or sexual violence by previous spousal partners. Of interest to note here is the significantly higher percentages of women exposed to physical or sexual violence who were also experiencing threats of harm, put-downs, limitations in their access to income, as well as jealous and controlling behaviour when describing past partners.

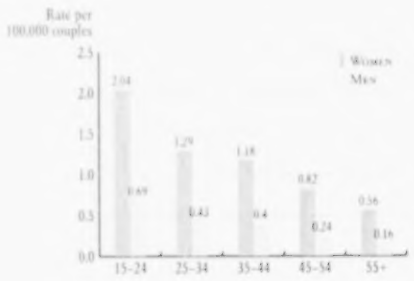
The difference may be explained in part by the evidence that violent behaviour often increases when a woman attempts to leave an abusive relationship. This may be paralleled with an increase in controlling and psychologically abusive behaviour (Hotton, 2001).

Homicide rates are also highest for young couples and decline among older age groups. While this is the case for both male and female victims, rates are higher for women in all age groups. This corresponds with preliminary indicators showing that women are subject to more frequent and more severe forms of spousal assault.

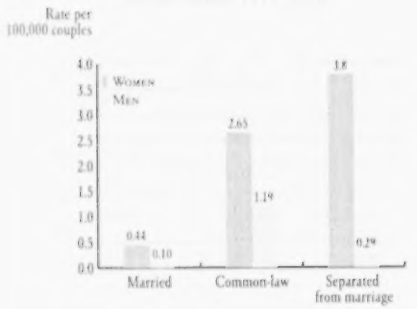
Women are particularly vulnerable when they are pregnant and when they take steps to leave their violent partners. With regard to pregnancy, the Violence Against Women Survey found that 21% of abused women were assaulted during their pregnancy, and in 40% of these cases, this episode was the beginning of the abuse. In 1999, 40% of women who reported experiencing spousal assault by a past partner indicated that the violence occurred after



Source: Statistics Canada, 1999 GSS



Source: Statistics Canada, Homicide Survey



Source: Statistics Canada, Homicide Survey; Annual Demographic Statistics, 2001, Catalogue no. 91-213-XPB, Statistics Canada

Excludes homicide victims who were separated from common-law partners due to the absence of Census data needed to calculate a rate.

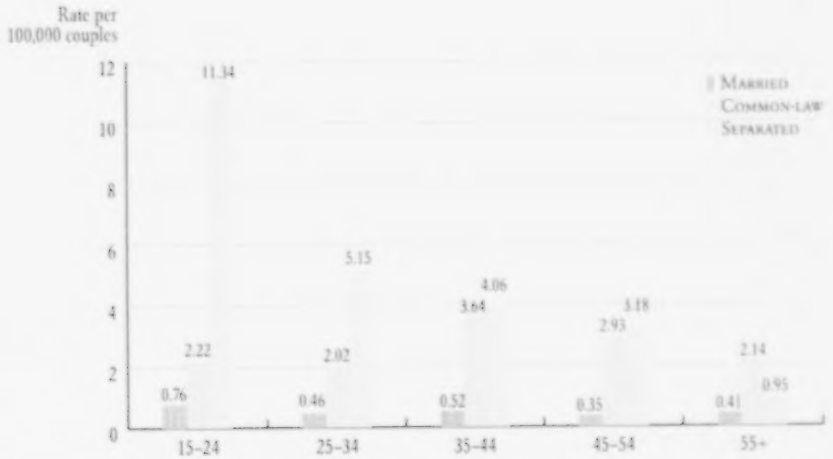
the couple separated, and most of those who reported violence after separation stated that the physical and sexual assaults became more severe or began after the separation (Hotton, 2001).

Spousal homicide rates are higher for women in all marital status categories. For both women and men rates are relatively low for married couples. The risk of spousal killings increases dramatically for women in common-law relationships and those experiencing marital breakdown. Although common-law marital status also elevated the risk of homicide for men, separation from marriage does not have the same effect.

The high rates of spousal homicide among separating women have been attributed to extreme possessiveness or jealousy on the part of male perpetrators, and an attempt to maintain control over female partners through the use of violence (Wilson, Johnson & Daly, 1995). In half of all cases of killings of female ex-partners, the woman was killed within two months of leaving the relationship (Wilson & Daly, 1993).

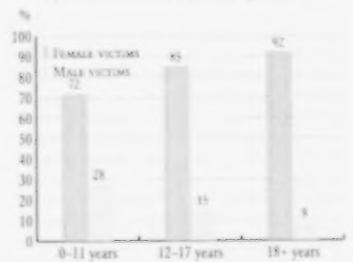
Note: In Figure 17, separated women include only those separating from marriages and exclude those separating from common-law relationships as these data are not available from the Census for the purposes of calculating rates (see Figure 13).

The combination of being young and separated from a marital relationship elevates the risk of spousal homicide even more than the two factors individually. The spousal homicide rate for separated women, under the age of 25 was 11.3 per 100,000, compared to the national average of 6 per 100,000 for all women killed by marital partners.



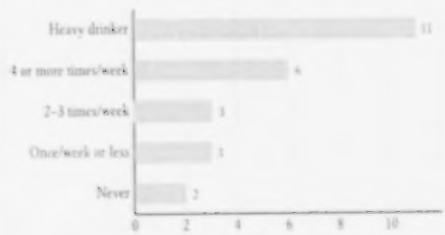
Excludes homicide victims who were separated from common-law partners due to the absence of Census data needed to calculate a rate.

Source: Statistics Canada, Homicide Survey; Annual Demographic Statistics, 2001, Catalogue no. 91-213-XPB, Statistics Canada.



Source: Statistics Canada, Revised Uniform Crime Reporting Survey.

These data are based on a sample of 166 police agencies in nine provinces, representing 53% of the national volume of reported crime. These data are not nationally representative.



Source: Statistics Canada, 1993 VAWS.

Figure 18 also shows that, regardless of age group, separated women and those living in common-law relationships have substantially higher risk of homicide than married women. As shown previously, women in common-law relationships are also at higher risk for non-lethal assaults, as compared to married women (see Figure 13).

The spousal homicide rates for separated men are much lower and show no such age-related pattern (Hotton, 2001).

Sex and age are obvious risk factors for sexual assault, especially for teens and adults. About 85% of the victims of sexual offences reported to the police in 2000 were female. However, the proportion of sexual offences involving male victims varies according to the age of the victim. In incidents involving the most vulnerable age group, children under 12 years of age, 28% of victims were male. Fewer teenage and adult victims were male.

Note: In Figure 19, "sexual offences" include sexual assaults.

Factors such as low income and alcohol abuse on the part of the male partners have been linked to higher rates of physical or sexual spousal assaults against women. For example, in 1999, rates of spousal assault ranged from a high of 3% for those with a household

income less than $30,000, to a low of 1% for those with an income of $60,000 for more (GSS, 1999).

Many research studies have established a strong link between alcohol abuse and spousal assault of women (Barnett & Fagan, 1993, Fagan et al, 1988; Leonard, 1999; Johnson, 2001). According to the 1993 VAWS, women whose spouses drank heavily (five or more drinks at least once per month) reported experiencing one-year rates of violence that were five times as high as those whose spouses drank moderately or not at all. Similar patterns were found in the 1999 GSS, although counts were too low to produce separate estimates for women and men.

In 1999, female victims of spousal assault were more likely than male victims to state that their spouse had been drinking at the time of the violent incident (43% compared to 25%). Alcohol abuse at the time of the incident tends to result in more frequent and more injurious assaults. It is clear that alcohol use is highly correlated with abuse but research reveals that it is not always causative of abuse.

When income and alcohol are considered together with the presence of psychological abuse, psychological abuse predominates as the most important risk factor for spousal assault.

To better develop prevention and intervention efforts, this section examined the characteristics associated with a heightened risk of spousal assault, spousal homicide and sexual assault.

Youth (aged 24 and under), partner's use of psychological and financial abuse, and partner's alcohol abuse elevate the risk of spousal assault of women by men. The two victimization surveys also reveal that pregnancy and efforts to leave a violent partner increase the risk of spousal assault.

A potential indicator of spousal homicides is youth for both women and men, although rates are higher for women in all age groups. Other risk factors are common-law marriage and marital breakdown.

Being female increases the risk of sexual assault. For males, being under 12 years old heightens their vulnerability to become victims of sexual offences.

Institutional And Community-based Responses

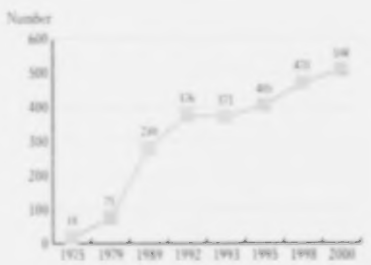
Twenty years ago, violence against women in the home was regarded by many as a private "family matter." In the early 1980s, charging and prosecution policies for spousal violence were introduced in Canada starting with the Royal Canadian Mounted Police (RCMP) federal guidelines. Some form of spousal assault policy (known as "zero-tolerance" or "no-drop" policies) was in place in most Canadian jurisdictions by 1985. These spousal assault policies were introduced as a response to concerns that victims of spousal violence were not receiving adequate protection from the criminal justice system. Transferring the onus of laying charges to the police and Crown prosecutors removed the pressure from the victims, sending a clear message that spousal violence is not a private matter, but a serious and unacceptable social problem and a clear violation of the law.

In addition to various forms of mandatory charging or prosecution policies, several jurisdictions have introduced civil legislation relating to domestic violence. Yukon, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia and Prince Edward Island, all have such legislation, which provides various forms of emergency intervention and victim assistance orders. Innovative court responses to the problem of spousal violence have been implemented in Winnipeg, Calgary, Edmonton, Whitehorse and various cities throughout Ontario.

For the purposes of these preliminary indicators, we selected an institutional response for which national-level data was available: community-based shelters. The preliminary indicators also include data related to the response of the criminal justice system, such as the sentences for spousal assault in the Winnipeg Family Violence Court, and the incarceration rates for sexual assault and other violent offences.

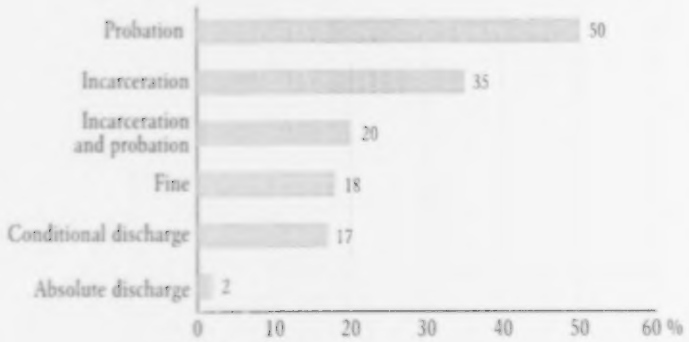
Shelters for abused women in Canada, like rape crisis centres, were initiated by dedicated volunteers and community organizations. Official records have been kept on women's shelters since 1975, when only 18 shelters existed in Canada. Between 1975 and 1999, there was a relatively steady increase in the number of new agencies being established, particularly between 1979 and 1992 when over 200 new shelters were opened. By 1999, 508 shelters were in operation throughout Canada.

Investments by community groups, Canada Mortgage and Housing Corporation (CMHC), and provincial/territorial governments have contributed to this development of a substantial system of shelters for abused women in Canada. Currently, every province and territory provides residential services for abused women. These facilities offer not only a secure and safe environment, but also a broad range of services for women and children living in shelters and in the larger community.



Source: Statistics Canada, Transition Home Survey

Source: Health Canada, Canada's Treatment Programs for Men Who Abuse their Partners, 1994, 1997, 1999



Total exceeds 100% due to multiple responses.

Source: Winnipeg Family Violence Court

The number of shelters for abused women is not necessarily an indicator of the severity and prevalence of violence against women, since the existence of shelters depends largely on factors such as the availability of government or non-government funds and qualified staff, particularly in smaller and remote communities.

Furthermore, shelters are a short-term escape from a serious problem and cannot solely address the larger problem of spousal violence.

Note: Shelter facilities are funded by a variety of sources, including federal, provincial governments. Provincial data on numbers of shelters is not presented since definitions used by Statistics Canada are broader than those typically used by provincial governments. The definition used by Statistics Canada includes shelters on reserves, those funded by federal and municipal governments and those privately operated.

Some records have been maintained on treatment programs for violent men since 1984, when only 28 programs operated in Canada. Aside from a slight drop between 1988 and 1991, the number of programs has risen steadily to a high of 204 in 1999.

This matches the overall upward trend in services directed at female victims of spousal violence. This trend coincided with other factors, including:

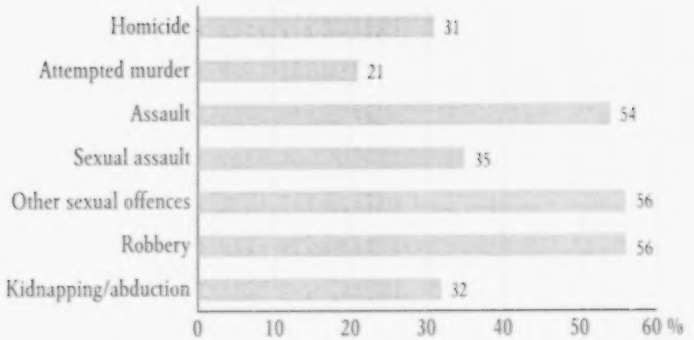
- a recent growth in specialized domestic violence courts, which are more likely to impose treatment as a component of sentencing; and
- a general increased tendency to hold men accountable for their violent behaviour, which in many cases result in treatment orders in areas where these services exist.

All programs included in Figure 22 are listed in *Canada's Treatment Programs for Men Who Abuse Their Partners* (Canada, Health Canada, 1994, 1997 and 1999). They are not restricted to government or court-ordered programs and include many community-based programs. These figures however, are not completely comprehensive for all jurisdictions and exclude many federal and provincial correctional-based services. It would be useful to know the differences between the number of court-ordered versus voluntary treatments.

A specialized criminal justice system response was developed in Winnipeg in 1990, while similar programs in Ontario, Calgary, Edmonton and Whitehorse were implemented more recently. The more recent programs do not have extensive data available.

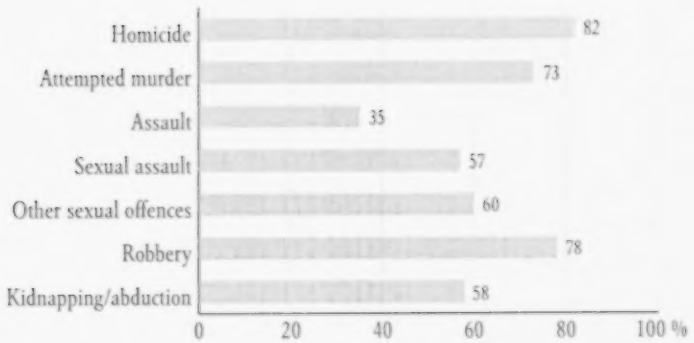
The response in Winnipeg is composed of five components:

- pro-arrest or zero-tolerance policy;
- women's advocacy and child victim witness program;
- specialized prosecutorial unit;
- specially designated courtrooms and docket for intake, screening and trials; and
- special unit in the probation office to deliver court-mandated treatment programs.



The Adult Criminal Court Survey excludes data from New Brunswick, Manitoba and British Columbia.

Sources: Statistics Canada, Adult Criminal Court Survey



The Adult Criminal Court Survey excludes data from New Brunswick, Manitoba and British Columbia.

Sources: Statistics Canada, Adult Criminal Court Survey

Between 1990 and 1997 the number of spousal violence cases coming before the court increased from 1,444 in 1990 to 3,120 in 1997 for a total of 14,958. Of these cases, 85% of the accused were men and 85% of victims were women.

Conviction and sentencing sends a strong message that spousal assault is a crime, and is reinforced with an equally strong commitment to treatment programs for violent men. The most common sentence given is the combination of supervised probation and court-mandated treatment for offenders. Two-thirds of all convicted offenders received a sentence of supervised probation, and two-thirds of these were mandated to batterers' treatment programs. All provincial correctional institutions in Manitoba currently operate batterers' treatment groups (Ursel, 2000).

About one-third of sexual assault cases that appeared before adult court in 1998–1999 resulted in a conviction. A higher proportion, just over half, of other sexual offences (the majority of which are child sexual abuse cases), resulted in a conviction (see Appendix 3 for sexual assault and other sexual offence provisions). Attempted murder is the only violent offence in adult court with a markedly lower conviction rate than sexual assault.

Note: New Brunswick, British Columbia and Manitoba do not participate in the Adult Criminal Court Survey, which is a data source for Figures 24 and 25. The conviction rates in Figure 24 include both guilty pleas and conviction after trial.

About six in 10 of those convicted of sexual assault or other sexual offences in adult court were sentenced to a period of incarceration. This is lower than the percentage receiving prison terms for crimes of homicide, attempted murder and robbery, but higher than that for the crimes of assault and kidnapping/abduction.

Overview of Institutional and Community-based Responses

Since the 1980s, the perception and response of violence against women has shifted, as evidenced by the introduction of specialized criminal justice responses and an overall upward trend in services for victims and perpetrators.

Based on national data, the number of community-based shelters for victims of domestic violence has also steadily increased from 1975 to 1999, with the largest rise between 1979 and 1992. In addition, treatment programs for violent men have generally increased since 1984 with the exception of a slight decline between 1988 and 1991.

One example of the specialized criminal justice response is the creation of the Winnipeg Family Violence Court. Between 1990 and 1997, the number of spousal assault cases has increased, with the vast majority of the victims being women.

In terms of sexual assault, the conviction rate is only one-third of all cases for 1998–1999. Of the sexual offence cases, six in 10 result in a prison term.

Victims' Use of Services

Knowledge about victims' use of services can help answer questions about where victims turn for help, what types of violent events are reported to the police or other services, and perhaps more importantly, what types are not reported. Victimization surveys have found that only a small percentage of women report crimes of violence to the police, even in cases involving ongoing or life-threatening violence. This raises the question: Why do victims of even some of the most serious cases not see the justice system as a source of support and protection? Women's use of criminal justice and social services may depend on a number of factors, including:

- awareness of existing services;
- fear of reprisals by the offender;
- reluctance due to shame or embarrassment.
- availability of these services in the woman's region;
- accessibility due to linguistic or cultural barriers;
- accessibility due to financial barriers (including the woman's access to a telephone)
- potential impact of accessing services upon the woman's custody over her children;
- fear of reliving the experience of violence by testifying before the courts (Gauthier & Laberge, 2000);

Note: In these surveys, social services include counselors, crisis lines, crisis centres, community/family centres, shelters and police-based victim services.

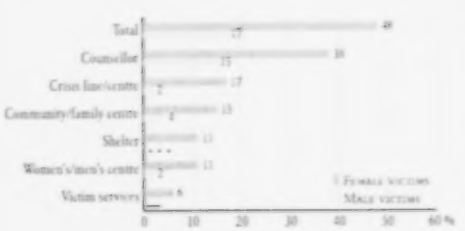
Between 1993 and 1999, the percentage of female spousal assault victims who contacted the police or social services increased significantly in all provinces where reliable data were available. Male victims were much less likely to report to the police (15%) or to use social services (17%) in 1999.

The upward trend in women's use of criminal justice and social services corresponds with the timing of a number of social changes and government- and community-based interventions, such as:

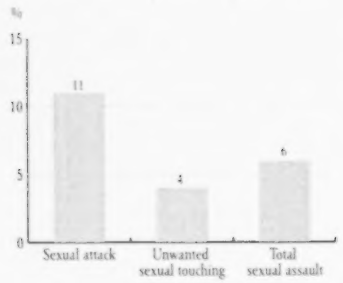
- possible decreased stigma associated with being a victim of spousal violence;
- increased willingness of witnesses and bystanders to intervene in family violence incidents by telephoning the police or other services;
- increased public awareness and reduced tolerance for spousal assault;
- mandatory charging and prosecution policies among police and courts in many jurisdictions that remove from victims the responsibility for laying charges;
- improved training of police and other criminal justice personnel, increasing public confidence in the ability of the criminal justice system to deal effectively with spousal violence cases;
- increased availability of police- and court-related victim support services to aid women whose spouses are charged with assault situations; and
- gradual improvements to the economic status of women, giving some women increased independence from violent spouses and, consequently, alternatives to remaining in abusive situations (see Appendix 1).

Note: Because of the relatively small sample of women interviewed in some provinces in the 1993 VAWS, reliable estimates are not available for the percentage of women who reported to the police or used social services.

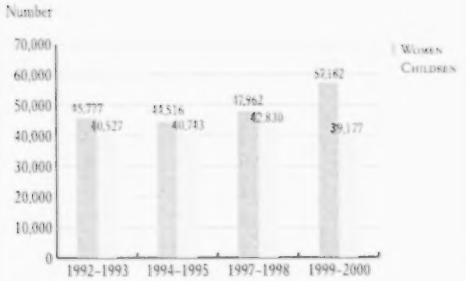
Victims' use of services in each province will be affected in part by the availability of appropriate services for victims of violence which in turn, is affected by funding made available through governments and communities. Isolation in remote



... Not applicable
– Too few to make statistically reliable estimates
Source: Statistics Canada, 1999 GSS



Source: Statistics Canada, 1993 VAWS



Source: Statistics Canada, Transition Home Survey

As a small number of shelters do not respond to the Transition Home Survey each year, these figures represent an underestimate of the number of admissions.

communities will affect the extent to which victims of violence are able to access services.

At the national level, women are at least twice as likely as men to use all types of services. The most commonly used services are counselors (38%), crisis lines or crisis centres (17%) and community or family centres (15%).

The 1993 VAWS estimated that only 6% of all sexual assault incidents against women were reported to the police. The likelihood of contacting the police increased to 11% if the attack was more severe. Unwanted sexual touching was reported in only 4% of cases.

This level of detail is not available for more recent years. However, the 1999 GSS suggests that over 90% of sexual assault incidents against both women and men that year were not reported to police (see Appendix 2 for the definitions used in the VAWS and Appendix 3 for *Criminal Code* definitions of sexual assault and other offences).

According to the VAWS, reasons given by female victims for not reporting sexual assaults to police included:

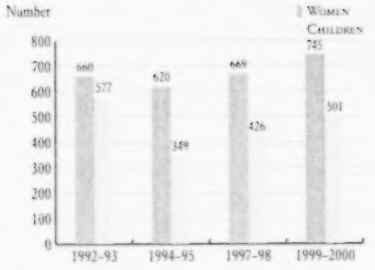
- incident was considered too minor (44%);
- belief that the police could not do anything for them (12%);
- wanting to keep the incident private (12%);
- feeling ashamed or embarrassed (9%);
- reluctance to become involved with the police (9%);
- fear not being believed (9%)
- fear of the perpetrator (3%);
- not wanting the perpetrator arrested or jailed (3%).

The number of women using shelters has shown an increase in recent years. This corresponds with the upward trend in the number of shelters that have been established over the same time period. The vast majority of women (about 80%) were admitted for reasons of abuse. Some shelters serve more than one population group of women, including women coping with mental illness, addiction problems and homelessness.

Rates of use may more accurately reflect the availability of shelters, than the actual need for emergency housing among abused women and their children. According to the 2000 *Transition Home Survey*, 2,826 women and 2,525 children were admitted to shelters on a single day (April 17, 2000). On the same day, 254 women (representing 9% of the total admitted) and 222 children (9%) were turned away. Most were turned away because the shelters were full (71%) and the remainder because of drug/alcohol, mental illness or other problems.

Note: Some women and children may be turned away from more than one shelter on a single day or may be counted as turned away at one shelter while being admitted to another on the same day.

Shelters provide services that enable women to establish new lives for themselves away from assaultive spouses and to escape dangerous, potentially life-threatening violence. The growing availability of emergency shelters, along with other services for spousal violence victims, may thus have contributed to possible declines in the rates of both lethal and non-lethal violence against women.



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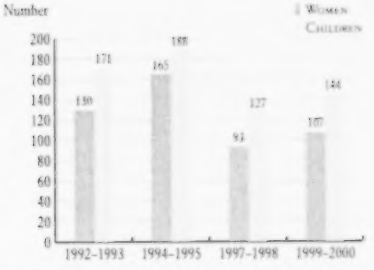
Source: Statistics Canada, Transition Home Survey



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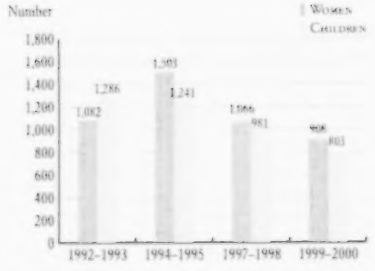

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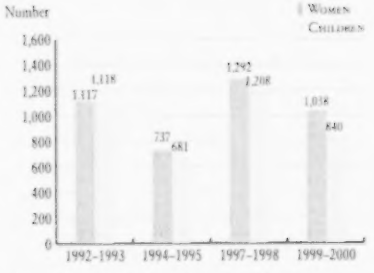

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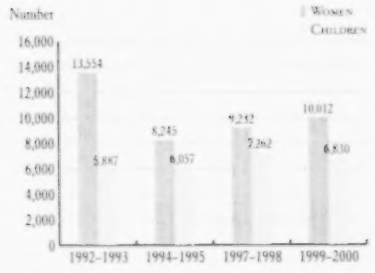

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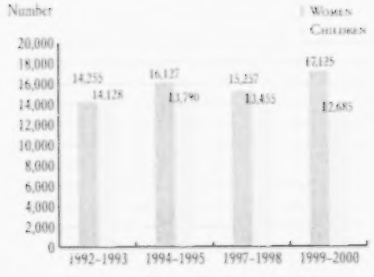

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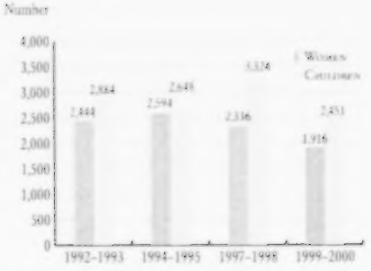

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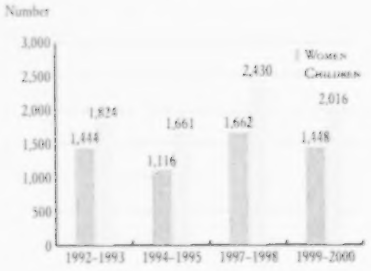

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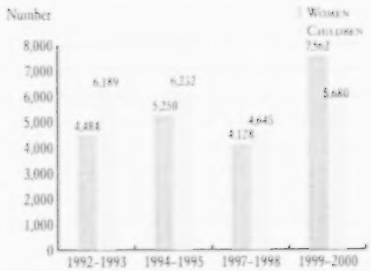

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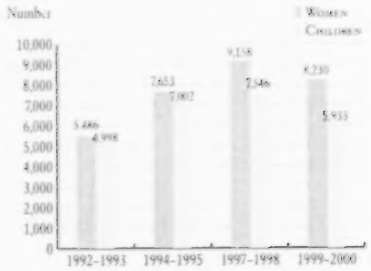

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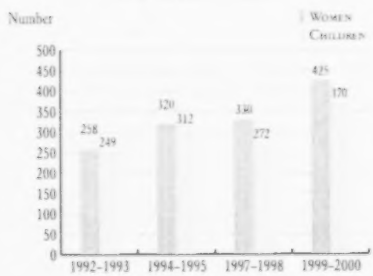

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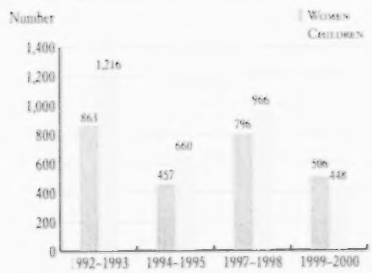

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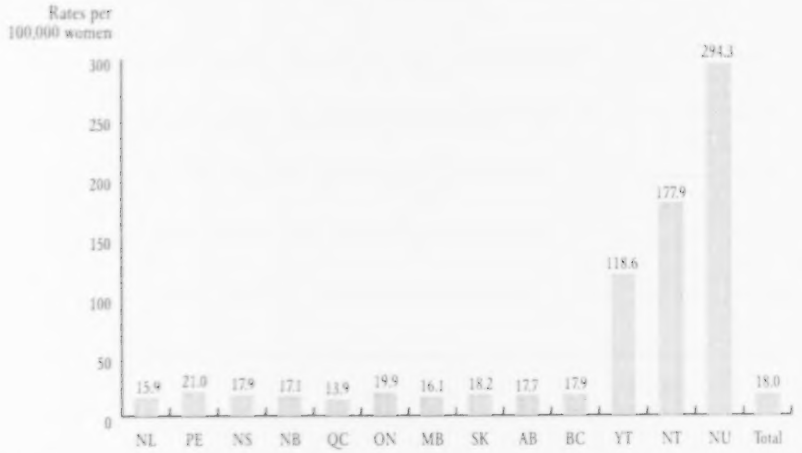

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Source: Statistics Canada, Transition Home Survey

Note: Women who are admitted to a shelter more than once during the year will be counted more than once; similarly, women turned away at more than one shelter will be counted more than once.

Important factors could affect the data on the number of women and children reported using shelters (see Figure 28), including changing availability over time, and the changing number of shelters that respond to the *Transition Home Survey*. For example, 89% of all shelters responded to the survey in 1993, 90% in 1995, 91% in 1998, and 92% in 2000. The actual response figures vary by province and territory. Consequently, these figures underestimate the number of women and children admitted to shelters each year. A conclusion that can be drawn is that between April 1, 1989 and March 31, 2000, at least 57,182 women and 39,177 children were admitted to shelters for abused women across Canada.

Note: Nunavut came into existence on April 1, 1999. An additional 437 women and 474 children were admitted to shelters in Nunavut in 1999-2000.

In order to compare admissions to shelters among provinces and territories, rates can be calculated based on the number of women admitted to shelters for reasons of abuse on a single day (April 17, 2000) per 100,000 women in the population. Rates in the provinces are similar when compared alongside the much higher rates in the three territories.

Despite the national pattern of greater shelter use by women than children, Prince Edward Island, Manitoba and Saskatchewan reported a higher number of children admitted to shelters. Alberta and Northwest Territories have only recently reported more women than children in shelters.

There is considerable provincial and territorial variation in trends in the use of shelters among women and children.

A woman's use of criminal justice and social services depends on a variety of factors, some of which include fear of the offender and regional availability of services.

The number of female victims of spousal assault who contacted police or social services appears to have increased between 1993 and 1999. Additionally, the number of women accessing shelter services has increased in recent years, according to the *Transition Home Survey*.

These possible changes correspond with the growth in community-based interventions, such as police and court-related victim support services and social changes, such as reduced stigma.

Male victims of spousal assault are much less likely than women to contact services for support. The vast majority of victims of sexual assault do not seek support from the criminal justice system.

Public Attitudes And Perceptions

As outlined in the section on possible risk factors associated with violence against women (see Section 3), psychological abuse in various forms such as put-downs, jealousy, and possessive and controlling behaviour is linked to spousal assault. These preliminary indicators reinforce qualitative research and studies that link attitudes supportive of male control and violence over women, and the actual use of physical or sexual violence against intimate female partners and women generally. Tracking public attitudes towards violence against women over time appears to offer a key indicator related to the incidence of such violence.

This section contains data on a national study on attitudes towards violence against women, studies conducted in Quebec and New Brunswick, and on attitudes towards family or domestic violence from a national study and three provincial studies conducted in Prince Edward Island, Manitoba and Saskatchewan. The Quebec and New Brunswick studies may prove to be useful models for future, perhaps national, studies on public attitudes towards physical and sexual violence against women.

Public Attitudes Towards Family Violence

In 2001-2002, a national study on public attitudes toward family violence was conducted by EKOS Research Associates Inc. to:

- examine understanding and awareness of family violence;
- test levels of tolerance for family violence;
- explore the willingness to intervene; and
- examine support services.

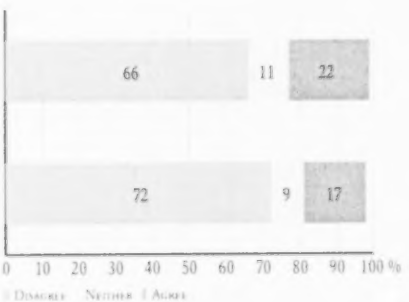
When asked about the definition of family violence in the immediate family, 67% of Canadians referred to violence between spouses, followed by violence between parents and children (59%), and violence among siblings (33%). *Note: Percentages add up to more than 100% due to multiple responses.*

The perceived seriousness of family violence is high among Canadians. For example, the results show that the majority (66%) of Canadians disagreed with the statement "I don't believe that family violence is as serious as it's made out to be by women's groups". An even greater proportion disagreed with the statement that "I don't believe that family violence is as serious as it's made out to be by the media".

In addition, the finding that the majority of the Canadian public agreed that women are in greater need of protection from family violence suggests that the public recognizes that women are more likely to be victims of the most severe types of spousal assault. Figure 31 also reveals that most Canadians believe that spousal assault is a crime and that the perpetrator should be removed from the home.

"I don't believe that family violence is as serious as it's made out to be by women's groups"

"I don't believe that family violence is as serious as it's made out to be by the media"



Source: EKOS Research Associates Inc. (2002) *Public Attitudes Towards Family Violence: A Syndicated Study*

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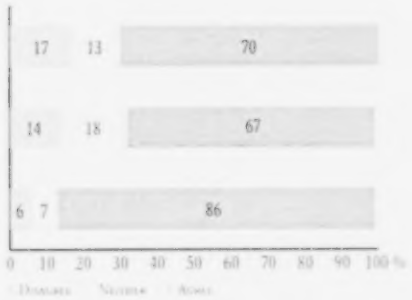
"I don't believe that family violence is as serious as it's made out to be by women's groups"
"I don't believe that family violence is as serious as it's made out to be by the media"
66
11
22
72
9
17
0 10 20 30 40 50 60 70 80 90 100 %
Disagree
Neither
Agree

Source: EKOS Research Associates Inc. (2002) *Public Attitudes Toward Family Violence: A Synthesized Study*

"Women are more in need of protection from family violence than men"

"A spouse who hits his or her partner should be removed from the home"

"When a spouse hits his or her partner, it's a crime"

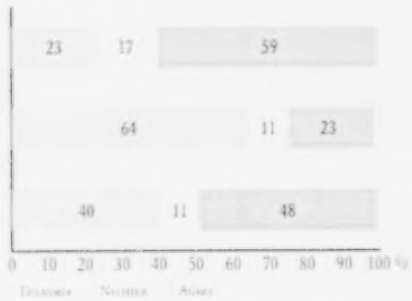


Source: EKOS Research Associates Inc. (2000) *Public Attitudes Towards Family Violence: A Syndicated Study*

"I think that somone who insults and humiliates other family members is likely to move to slapping and punching later"

"People who are violent with family members are usually out of control and not responsible for their own behaviour"

"Most women could get out of an abusive relationship if they wanted to"



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In terms of the connection between psychological and physical abuse, the study shows that 60% of Canadians believe that insults are likely to lead to slapping and punching.

The purpose of the Prince Edward Island *Family Violence Survey 2000* was to provide current data on public attitudes toward family violence of the Prince Edward Island population aged 19 years and older, with a focus on prenatal women and elders. Although the survey did not define the term "family violence" respondents were asked to report what came to mind when they thought of family violence. An overwhelming majority thought of child abuse and partner abuse (81% and 80% respectively), while 10% thought of elder abuse. In addition, 54% believe partners are most often the victims of family violence, while 44% believe it is children and 2% believe it is elders.

The results also indicate that the majority of adults (87%) are somewhat or very concerned about family violence. Over half (57%) expressed high levels of concern about the issue.

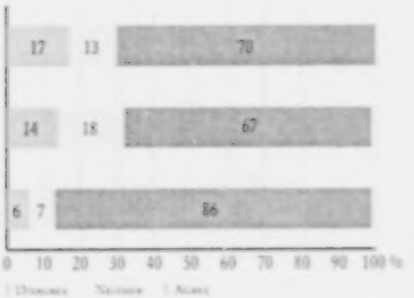
This speaks to high levels of public awareness of the seriousness of family violence, and the effects it may have on individuals who are either victims or witnesses of family violence.

The highest level of concern about family violence was expressed by women and by respondents aged 50 to 65 and the lowest by those aged 19 to 29 years.

"Women are more in need of protection from family violence than men"

"A spouse who hits his or her partner should be removed from the home"

"When a spouse hits his or her partner, it's a crime"



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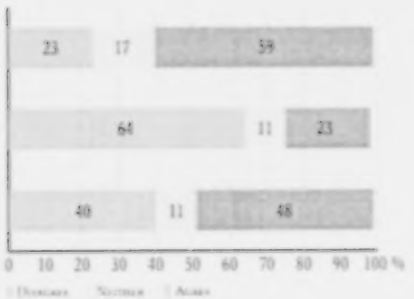

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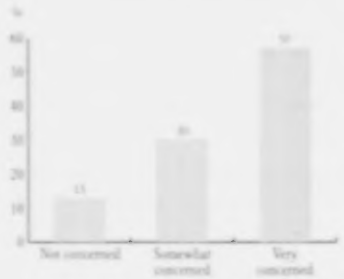
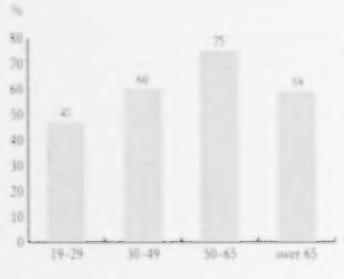


Source: Prince Edward Island Family Violence Survey (2000)



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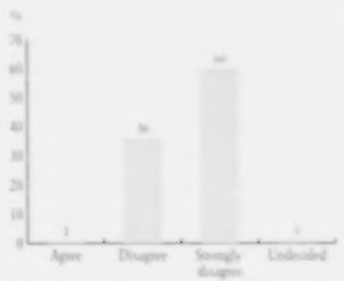

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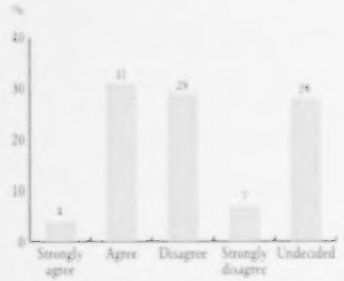

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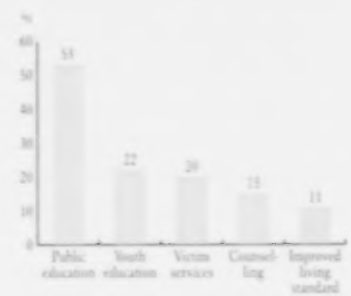


Source: Prince Edward Island Family Violence Survey (2000)

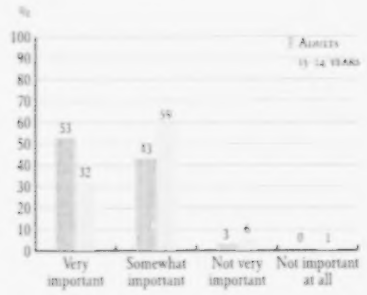
Most Islanders (96%) disagree that family violence is a private matter, and the majority of these (60%) strongly disagree.

Despite high levels of concern, a general reluctance to personally intervene in incidents of family violence still exists among residents of Prince Edward Island.

Only 35% indicated that they would become involved. A total of 36% of those surveyed indicated they would not intervene, with 7% strongly opposed to taking action. A substantial percentage (28%) was undecided. Several factors may be contributing to this outcome:

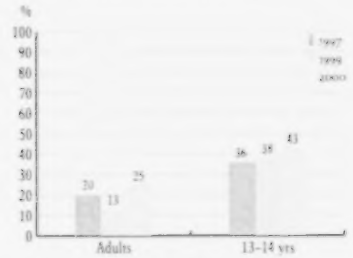
- fears about personal safety in confronting an abuser;
- concern that becoming involved may damage relationships among the intervener and the parties involved; and
- uncertainty as to what type of action to take in these instances.

The majority of Islanders surveyed felt that education was the best way to try to prevent family violence. Two main approaches were suggested: public education (53%) and youth education (22%). Services to victims were also seen as important in reducing or preventing family violence. A smaller proportion identified the reduction of poverty as important in reducing violence.



Adults are 18 years of age and older

Source: Post-campaign study on the perceptions of violence against women (2000)



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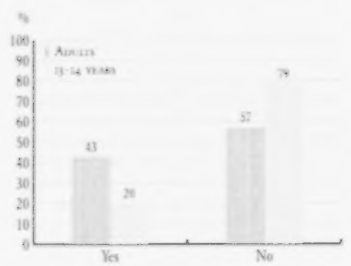

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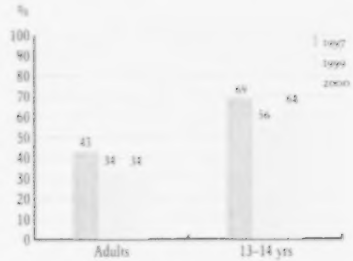


Adults are 18 years of age and older

Source: Post-campaign study on the perceptions of violence against women (2000)

Public Attitudes in Quebec

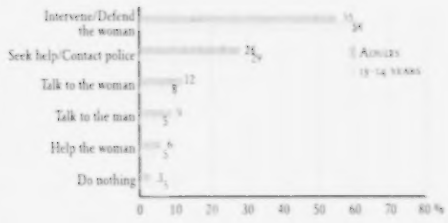
The public attitudes survey on violence against women in Quebec, which was conducted to evaluate the success of a targeted awareness campaign on violence against women, demonstrates that such campaigns can have a positive effect on public attitude, but that these effects are relatively short-lived.

The public attitudes survey in Quebec asked Quebec adults (over 18) and youth (aged 13 and 14) a series of questions to gauge their attitudes toward violence against women. The survey was conducted first in 1999, prior to the prevention campaign, and again in 2000 following the campaign. Respondents were asked to report what came to mind when they thought of violence against women. In 2000, the majority cited spousal violence or physical violence against women (57% and 61% respectively), which was seven points lower than the response in 1999 for both the adults and 13- to 14-year-olds. In 2000, 30% of youth aged 13 and 14 cited sexual violence, harassment, rape or incest as opposed to 14% of adults.

Nearly all adult and youth respondents felt that violence against women is an important issue. The number of respondents who thought that the issue was very or somewhat important is slightly higher among adults than among 13- to 14-year-olds (96% versus 91%).

Significantly higher proportions of young persons agreed with the statement "You are not as responsible for the acts of violence you commit when under the influence of alcohol or drugs."

In 2000, 43% of adults reported having witnessed an act of violence committed by a man against his spouse, twice the proportion of youth (20%).



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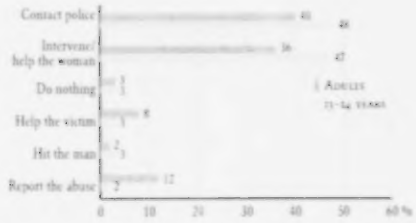
Source: Post-campaign study on the perceptions of violence against women (2000)



Adults are 18 years of age and older

Source: Post-campaign study on the perceptions of violence against women (2000)

Among 13- to 14-year-olds, 64% agreed with the statement "It is normal to be jealous when in love". This proportion was 56% in 1999. This opinion is held by smaller proportions of adults in all three survey years.

In both the adult (58%) and the 13- to 14-year-old (55%) age groups, over half the respondents said that they would intervene to resolve a situation and defend the woman if they witnessed an act of physical or verbal abuse. To a lesser degree, respondents mentioned that they would seek help or contact police (29% of adults and 28% of 13- to 14-year-olds). Very few said they would do nothing.

In situations of sexual abuse, Quebeckers mentioned that they would contact police (48% of adults, 40% of 13- to 14-year-olds) or intervene to resolve the situation and defend the woman (47% of adults and 36% of 13- to 14-year-olds).

Public Attitudes in New Brunswick

A public attitudes survey conducted in New Brunswick in 2002 reveals that crime, violence and safety is perceived to be the third most important issue in the province – preceded only by the economy and health care in terms of importance. The public reports high levels of concern about child abuse (94%), elder abuse (89%), violence against the disabled (86%), violence against women (86%), dating violence (80%), and personal and family safety (61%).

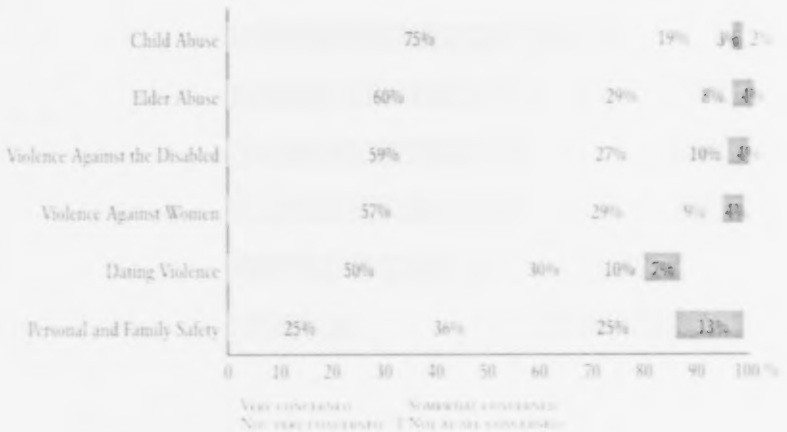
Women are generally more concerned than men about all of the types of violence examined in the survey. When it comes to dating violence in particular, women are significantly more concerned than men. In fact, more than half of all women surveyed indicated that they are "very concerned" about dating violence, as compared to 44% of men.

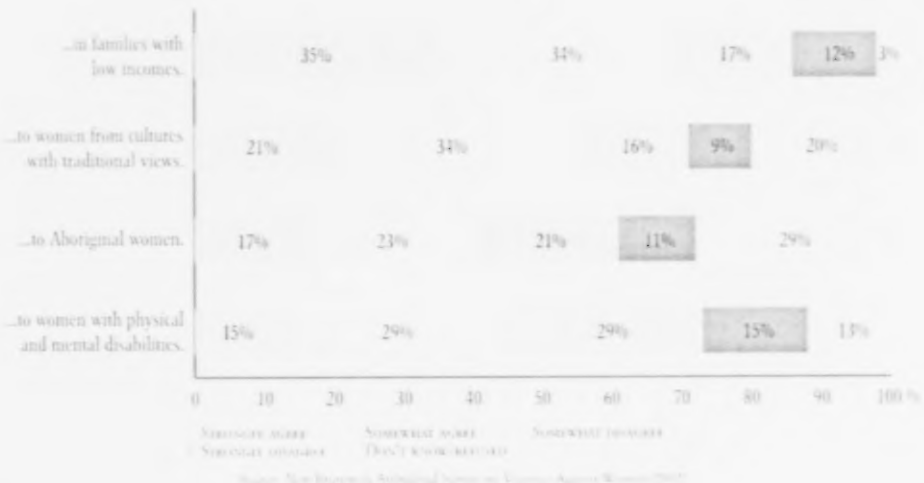
In terms of the public's awareness of violence against women, the public tends to think first of physical abuse. However, emotional and psychological abuse are actually perceived to be more common than physical abuse despite the lower level of "top of mind" awareness.

The public generally perceives that most acts of violence against women are committed by either a current partner such as a husband, boyfriend, or common law partner (53%) or by a previous partner such as an ex-husband or ex-boyfriend (28%).

The public is generally not well informed of the risk faced by certain segments of the population. New Brunswickers do believe that violence is more common in low-income families and in households with more traditional views of the roles of men and women. However, they are undecided on whether violence is more prevalent among Aboriginal women and evenly split on whether persons with disabilities are more at risk. The public also has relatively low awareness levels of prenatal violence with 20% undecided on whether physical abuse of a woman often starts during pregnancy and 44% who disagree that violence often starts at this time.

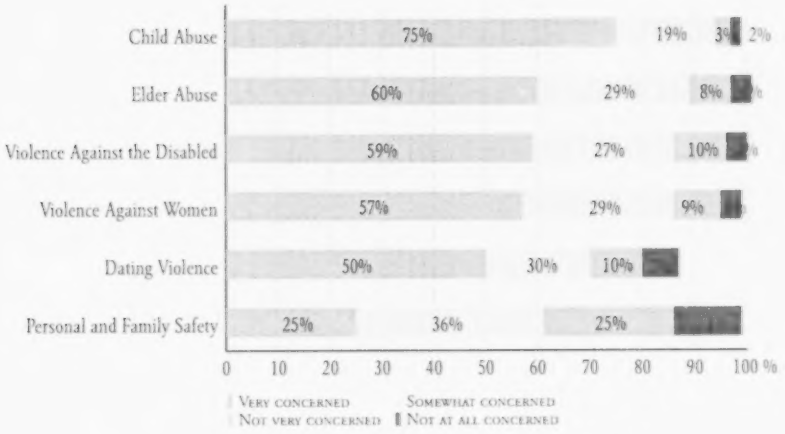
The public overwhelmingly believes that all forms of violence against women should be reported (95% agree). The public is less likely to say that they would personally intervene if they witnessed violence at a friend's or neighbour's (70%) but the vast majority (93%) say that they would call the police if they witnessed an incident of violence against women.



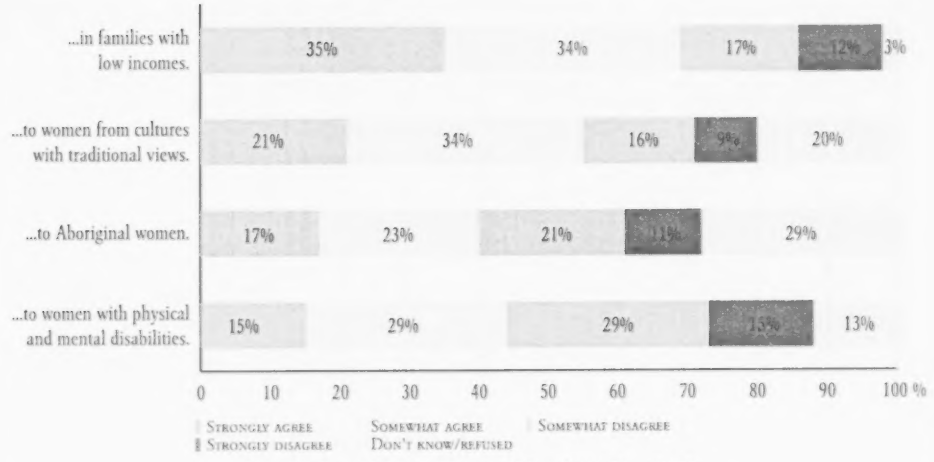


The view in the province appears to be that more public education is required to address the problem of violence against women. Other suggestions include offering additional victim services including counseling services and shelters, passing stricter laws, handing out harsher penalties or better enforcing existing laws.

A survey conducted on behalf of the Newfoundland and Labrador Women's Policy Office indicates that although most respondents (86%) felt that society in general had become more violent over the last ten years, a majority



Source: New Brunswick Attitudinal Survey on Violence Against Women (2002)



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Public Attitudes in Newfoundland and Labrador

A survey conducted on behalf of the Newfoundland and Labrador Women's Policy Office indicates that although most respondents (86%) felt that society in general had become more violent over the last ten years, a majority

of respondents (56%) disagreed that their own community had become more violent. Women and those with higher levels of education were more likely to agree that their community had become more violent. As a result women were more likely than men to think about their personal safety when going out in a public place (72% versus 64%) as were young people age 18-24 (78% versus 64% of those aged 45 and over). However, 94% of respondents agreed they felt confident that strangers nearby would help if needed and 77% would not hesitate to help a friend or family member who was a victim of abuse.

There was a high level of concern about violence against children with 56% of respondents noting this as an issue. These numbers increased to 69% concerned about bullying in schools and 64% concerned about children witnessing violence in their families. A total of 92% agreed that children witness domestic violence in the home more than half of the times it occurs and 93% agreed that children who witness violence are abused by seeing it happen. A majority of respondents indicated that violence against women (56%) and violence in dating relationships (53%) were the next biggest concerns. It is significant that 33% of respondents indicated they were somewhat or very concerned about violence in the workplace.

Almost 8 in 10 respondents disagreed that jealousy was a sign of love or affection in a relationship. Males were significantly more likely to agree with this statement (22% versus 14 % for females). Most respondents (89%) recognized that abuse can take place in any relationship regardless of an individual's lifestyle, education or income. However, a majority of respondents (85%) believed that violence in relationships was caused by alcohol or drugs.

While only a relatively small number, 21% of respondents believed people who were violent or abusive had just cause for their behavior.

A large majority (89%) felt that the justice system was too easy on domestic violence abusers. More education and awareness were the most frequent suggestions for ways to decrease violence. Youth and school programs were the next most frequently mentioned.

Public Attitudes to Solutions

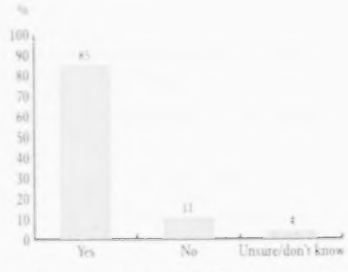
Similar to residents in Prince Edward Island and Quebec, the majority of Saskatchewan residents (85%) considered family violence an important public issue. The term "family violence" was not defined in this survey.

The majority of individuals surveyed (88%) agreed that family violence was a criminal act.

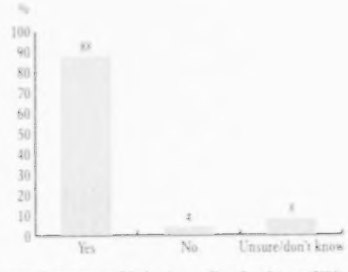
When asked what actions they would take if they knew of a situation of family violence, 16% of Saskatchewan residents indicated they would discuss it with the person, 22% would contact the police, and 11% would contact an agency that specializes in the issue.

Although individuals were willing to engage directly in some form of intervention, 35% indicated that their actions would depend on the nature of the situation.

The majority of Saskatchewan residents surveyed felt that front-line services for victims (93%); violence prevention education in the schools (92%); programs for abusers (90%); and public awareness campaigns (75%) were actions that should be taken.



Source: Government of Saskatchewan Omnibus Survey (2001)



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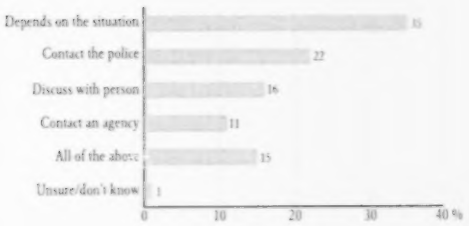

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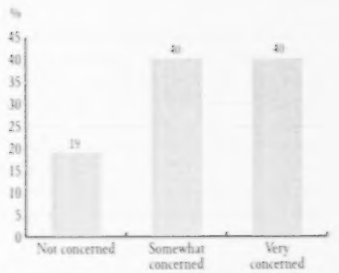


Source: Public Opinion on Domestic Violence Issues in Manitoba (2001)

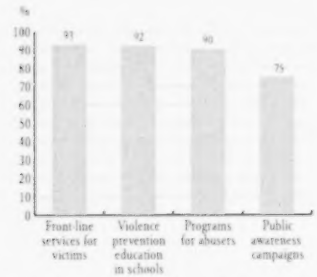
Public Attitudes in Manitoba

The results of a recent public attitudes survey undertaken in Manitoba in 2001 indicate that the majority of adults (80%) are somewhat or very concerned about domestic violence. Half of these individuals expressed high levels of concern about the issue.

Those most likely to say they are very concerned about family violence include women (47% very concerned compared to 32% of men), those with less than high school education (47%), and those with lower household incomes (51%).

Women were more likely than men to think that domestic violence has increased in recent years (48% compared to 37%), and were more likely to express familiarity with efforts to prevent family violence, such as:

- stalking prevention orders (civil restraining orders available under the *Manitoba Domestic Violence and Stalking Prevention, Protection and Compensation Act*);



Source: Government of Saskatchewan Omnibus Survey (2001)

- mandatory charging in cases of domestic violence;
- the Women's Advocacy Program;
- *Victims' Bill of Rights;*
- the Family Violence Court; and
- an advertising campaign.

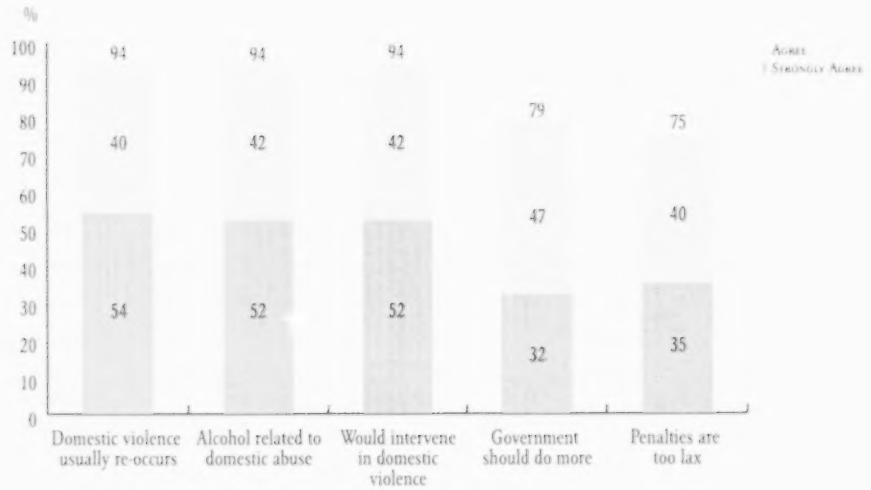
Those with higher levels of education were also more likely to be familiar with these prevention efforts.

The majority of Manitobans surveyed either agreed or strongly agreed that domestic violence usually re-occurs, and that alcohol abuse is a factor in domestic violence. A substantial majority also agreed or strongly agreed that they would intervene if they knew of an incident of domestic violence. Smaller but substantial percentages felt that governments should do more to reduce domestic violence and that penalties for perpetrators of domestic violence are too lax.

Women were more likely than men to express strong agreement with each of these statements.

When Manitobans were asked to describe what they regard as the root causes of domestic violence, alcohol abuse was cited most often (46%) and drug abuse by one quarter (21%).

Financial stress (26%), job-related stress (8%) and stress in general (25%) were cited as causes for domestic violence by a combined total of 59% of respondents. In addition, 25% identified poverty as a major cause.



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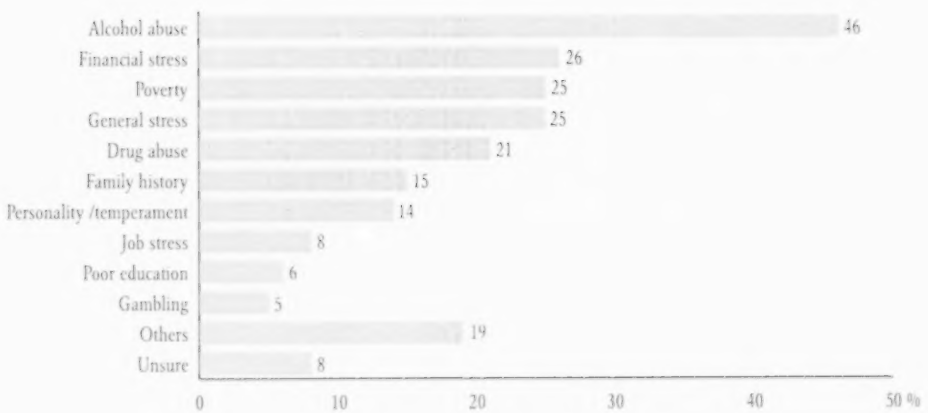

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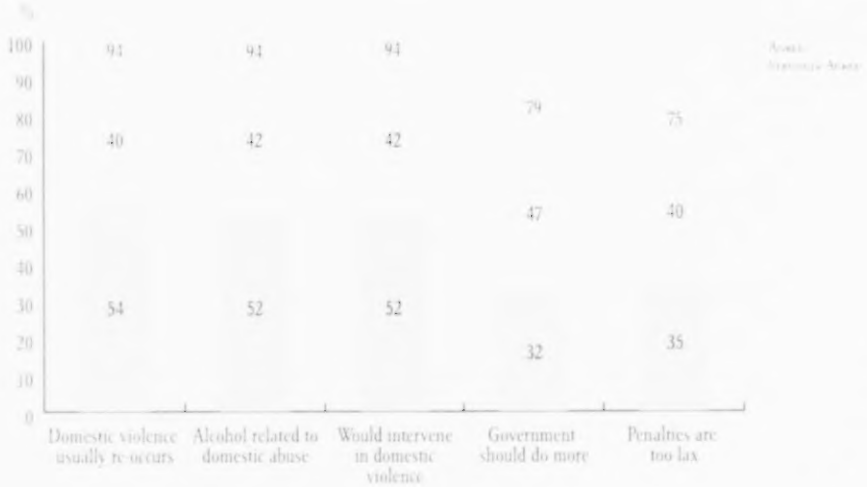

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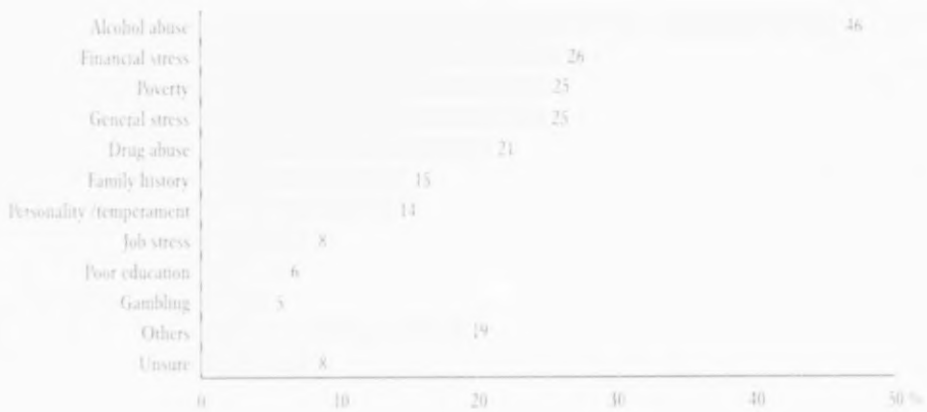

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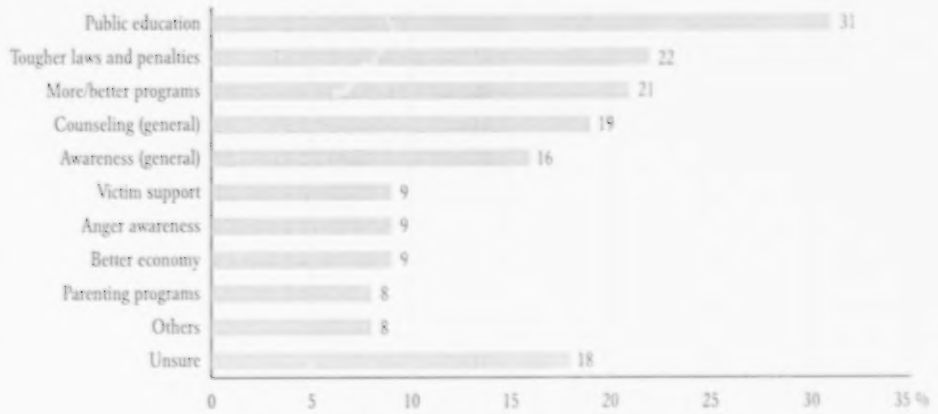

Source: Public Opinion on Domestic Violence Issues in Manitoba (2001)

A history of domestic violence (15%), personality or temperament (14%), poor education (6%) and gambling (5%) were also mentioned.

Public education was the most common route suggested to reduce domestic violence in Manitoba (31% of respondents). Women (34% compared to 27% of men), those 35-54 years of age (37%), those with university degrees (42%), and higher-income earners (36%) were most likely to cite education as a means for reducing domestic violence. More/better programs, counseling and increased awareness were also frequently mentioned, in addition to tougher laws and penalties for perpetrators.

Overview of Public Attitudes and Perceptions

This section explores the recent national public attitude survey and six provincial surveys: Saskatchewan, Manitoba, Quebec, New Brunswick, Prince Edward Island, and Newfoundland and Labrador.

According to the national level public attitudes survey, the majority of Canadians do not believe that the problem of family violence is exaggerated by women's groups or the media. The findings also demonstrate that the public agrees that family violence is a crime and that women should be protected from family violence.

In the six regional public opinion surveys, a vast majority of respondents expressed concern or state the importance of the problem of family violence (Prince Edward Island and Saskatchewan), violence against women (Quebec and New Brunswick), violence in society particularly children and women (Newfoundland and Labrador) and domestic violence (Manitoba). In some cases the groups most at risk of spousal assault or spousal homicide, women and men between 18 and 24 years of age, appear to be the least concerned.

Of the regional surveys that questioned respondents on whether they would intervene, the majority of respondents from Quebec, Newfoundland and Labrador and Manitoba would intervene to aid the victim. One-third of Islanders said they would not intervene. When Prince Edward Island, Manitoba and Saskatchewan surveys posed questions on the prevention of family violence, public education ranked among the top responses. Other common responses in Saskatchewan included front-line services and programs for abusers.

Conclusion

Violence against women affects all groups of society – it appears in public, family and intimate contexts and can be experienced by women at any stage of their life cycle. Violence against women is a complex matter that is linked to women's equality in society. It is experienced by, and affects, a woman differently depending on social constructs such as the woman's race, her ability, her sexuality, her age, and her cultural, educational and economic status.

The preliminary indicators in this document provide an initial and partial portrait of women's experiences of violence. Shortcomings of the available data limit the ability to draw definitive conclusions. Some limits are inherent in statistical methods, including the undercounting of victims, the inability to draw cause-and-effect linkages, and the inability to portray the lived reality of violence. On the other hand, some limits, such as comparing different data sources and relying on the *Criminal Code* definitions of violence, could be remedied in the future with standardized collection methodologies and data based on a comprehensive definition of violence.

The present endeavour to develop preliminary indicators addresses the major areas of concern on violence against women, including severity and prevalence, impact, risk factors, institutional and community-based responses, victims' use of services, and public attitudes.

In terms of severity, and prevalence, this document identifies that women are still much more likely than men to be victims of the most severe forms of spousal assault as well as spousal homicide and sexual assault. However there is also some evidence of a possible slight decline in the incidence of spousal assault against women in the 1990s. The five-year prevalence rates of spousal assault appear to have decreased between 1993 and 1999. In addition, the past decade has witnessed a general decline in the number of women victims of spousal homicide. The possible downward shift may be partly attributed to institutional and community-based responses demonstrating a diminished tolerance for violence against women, including:

- the increase in services for women victims of violence (such as shelters and rape crisis centres);
- mandatory charging or prosecution policies for police;
- gender sensitivity training for law enforcement professionals;
- domestic violence legislation (Appendix 4);
- amendments to the *Criminal Code;* and
- specialized court responses to domestic violence in some jurisdictions (Appendix 4).

At the same time, for a number of reasons, the apparent decline in spousal assault must be viewed cautiously. First, the data sets for comparison have important methodological differences that may have affected the results. Second, the same victimization surveys indicate no change in prevalence rates for spousal assault within the past year. Finally, there has been a general increase in the number of spousal assaults against women reported to the police. It is hoped that the ability to track changes in spousal assault will be heightened with the 2004 cycle of the GSS and with the growing coverage of the *UCR2*. Continued research will be useful for answering questions of whether violence against women has decreased and whether intervention efforts have made a difference.

Measuring the impact of violence against women is another important, but difficult task. These preliminary indicators demonstrate that violence against women has a significant impact on the psychological and physical health of women. In fact, more female victims than male victims reported negative consequences of spousal assault. The impact of violence against women also extends to the children who witness this violence.

These negative consequences are often addressed through the criminal justice system and community-based social services. The preliminary indicators show an increase in the availability of services for female victims of violence and for abusive men over the past decade, and likewise a trend toward increased use of these services.

The risk factors identify young women as particularly vulnerable to spousal assault, spousal homicide and sexual assault. One of the strongest correlates of physical or sexual violence against women in relationships is the

presence of psychological abuse. This type of abuse, including jealous and controlling behaviour, the use of verbal bullying, and financial abuse, provides a significantly stronger predictor of potential violent behaviour toward women in relationships than does alcohol use, unemployment or lack of education. Women living in common-law unions are at higher risk of assault by their partners than are married women.

Finally, with regard to patterns in public attitudes toward violence against women, particularly spousal assault, a national level study has indicated a general belief in the seriousness of family violence. Six provincial level studies have shown a generalized awareness and/or concern that violence against women is unacceptable. In some cases, the groups most at risk of spousal assault or spousal homicide, women and men between 18 and 24 years of age, appear to be the least concerned.

Apart from these results on preliminary indicators of violence against women, one of the unintentional but revealing outcomes of the project was the need for improvements to the current data sources. Some of the data gaps include the absence of recent data on prevalence of sexual assault, sexual harassment and criminal harassment; information on offenders; information on violence against diverse population groups of women; and information on additional forms of violence.

Ultimately, the impact of violence against women is felt by everyone, either directly or indirectly. The incidence, prevalence and intergenerational impacts of violence warrant concerted attention to develop a complete set of reliable indicators. Such indicators will promote further analysis of statistical trends and risk factors and will greatly assist all jurisdictions in monitoring and evaluating treatment and prevention efforts.

The ability of women to leave violent relationships or situations where they are exposed to violence is related in part to their economic autonomy. For example, a woman in a violent relationship who is unable to afford housing on her income alone may be more inclined to remain with an abusive partner. While there are no recent national data on women's homelessness, in Toronto between 1988 and 1996 single-parent families (most headed by women) using the emergency hostel system increased from 24% to 37%. They entered the hostel system at twice the rate of two-parent families (Golden Report, 1999). The number of shelters that provided this type of service increased during this same time period.

Indeed, economic inequality, which is heightened for some groups of women, presents a barrier to ending violence against women. In 1997, the average total income for Canadian women aged 15 or over was about $18,000 compared with $31,000 for men. Overall that year, the average income for women was about 58% of that for men (Clark, 2001). Just as vulnerability to violence may be a result of a woman's economic situation, for many mothers, exposure to violence in previous relationships places them in situations of economic hardship. Studies indicate that 68% of all single mothers reported experiencing violence in previous marriages or common-law unions (VAWS, 1993). Moreover, lone-parent families headed by women have by far the lowest incomes of all family types. In 1997, 56% of all families headed by lone-parent mothers had incomes which fell below the Low Income Cut-off (LICO). In comparison, just 12% of non-elderly two-parent families with children, and 24% of male lone-parent families, had low incomes that year (Women in Canada, 2000).

A large percentage of Aboriginal women have low incomes. In 1996, for example, 43% of Aboriginal women aged 15 and over had incomes below the LICO, compared with 35% of Aboriginal men and 20% of non-Aboriginal women. Moreover, in that same year, 73% of Aboriginal women who were lone-parents lived below the LICO. In 1996, just under 410,000 women, 3% of the total female population, reported that they were Aboriginal, including of North American Indian, Metis, or Inuit origins (Women in Canada, 2000).

Immigrant women, particularly recent immigrants, tend to have low incomes despite their tendency to have higher levels of education than Canadian-born women. In 1995, the average income of immigrant women aged 15 and over was just 62% of that of their male counterparts. Close to one in five women living in Canada described themselves as an immigrant in 1996, some 2.6 million or 18% of the total female population (Women in Canada, 2000).

A similar pattern exists for visible minority women. In 1996, visible minority women had higher rates of completed university education than other women (17% compared to 12%). However, in 1995, the average total incomes for visible minority women aged 15 years and over was $16,600, almost $3,000 less than the figure for other women in Canada ($19,500). In 1996, about one in 10 women in Canada identified themselves as being members of a visible minority community, some 1.6 million or 11% of the total female population (Women in Canada, 2000).

The following chart provides an indication of the average income of men and women in Canada from 1991 to 1999. The chart also indicates the percentage of women in justice-related occupations from 1991 to 1999 (Women in Canada, 2000).

	1991	1993	1995	1997	1999
Economic families					
Non-elderly families					
Couples without children	59,478	58,611	59,010	63,122	63,190
Two-parent families with children	65,891	64,809	65,847	68,255	72,910
Female-headed lone-parent families	24,817	25,080	26,608	25,886	27,571
Male-headed lone-parent families	41,431	37,723	38,690	41,947	45,829
Elderly families	44,601	43,949	45,519	42,813	45,142
Unattached individuals					
Non-elderly women	24,806	25,396	24,832	23,575	26,008
Non-elderly men	29,514	29,462	29,032	28,693	30,890
Elderly women	19,603	18,300	19,874	21,075	20,772
Elderly men	22,965	22,618	25,200	26,503	26,609
Full-year full-time workers	69.7	72.3	73.1	69.6	69.9
Economic families					
Non-elderly families					
Two-parent families with children	10.7	12.2	12.8	12.1	10.4
Couples without children	9.0	9.6	10.1	8.8	8.6
Female-headed lone-parent families	60.3	59.0	56.8	55.9	51.8
Male-headed lone-parent families	22.6	30.9	30.7	22.9	18.0
Elderly families	8.2	9.7	7.8	10.3	6.9
Unattached individuals					
Non-elderly women	39.6	40.1	40.4	45	42.3
Non-elderly men	31.9	33.5	34.8	36	33.2
Elderly women	54.2	56.4	50.6	49.5	48.5
Elderly men	40.7	39	28.7	31.9	31.9

Source: Statistics Canada, Income Trends in Canada 1980-1999, catalogue no. 13F0022XCB.

	1991	1993	1995	1997	1999
Police officers	7	8	10	11	13
Lawyers and notaries	27	–	31 (1996)	–	–
Judges	15	–	21 (1996)	–	–
Paralegal and related occupations	76	–	79 (1996)	–	–
Probation and parole officers	50	–	47 (1996)	–	–
Correctional service officers	21	–	24 (1996)	–	–

Source: Statistics Canada, Women in Canada, catalogue no. 89-503 and Police Resources in Canada, catalogue no. 85-225.

APPENDIX 2
DATA SOURCES

Victimization Survey

Statistics Canada undertakes criminal victimization surveys on a cyclical basis, and conducted such a survey as part of the GSS in 1988. The survey was repeated in 1993 and 1999. Individuals 15 years of age and older were asked about their experiences with crime and their opinions concerning the justice system. The GSS measures victimization for eight types of crime according to *Criminal Code* definitions. The 1999 survey included special modules to measure spousal violence, and violence against older adults by family members.

Households in the 10 provinces were selected using random-digit dialing techniques. Once a household was chosen, any individual 15 years of age or older was randomly selected to respond to the survey. Households were excluded from the survey when they had no telephone or when the chosen respondent could not speak English or French. Also excluded were individuals living in institutions. The sample size in 1999 was 25,876 persons, up significantly from 10,000 for the previous two cycles.

The VAWS (1993) provided detailed national data on all forms of sexual and physical violence perpetrated by men against women. Households in the 10 provinces were selected using random-digit dialing techniques. Once a household was chosen, a female 18 years of age or older was randomly selected to respond to the survey. Households were excluded from the survey when they had no telephone or when the chosen respondent could not speak English or French. Also excluded were individuals living in institutions. A total of 12,300 women 18 years of age and older were interviewed about their experiences of physical and sexual violence since the age of 16.

Spousal Violence Module

Violence by a spouse or common-law partner is measured in the 1999 GSS and the 1993 VAWS by a module of 10 questions. This approach consists of asking respondents about specific actions instead of simply asking about "violence" or "assaults" in order to minimize differing interpretations of what constitutes violent behaviour. The module of questions with introductory statement follows:

It is important to hear from people themselves if we are to understand the serious problem of violence in the home. I'm going to ask you 10 short questions and I'd like you to tell me whether, in the past five years, your spouse/partner has done any of the following to you. Your responses are important whether or not you have had any of these experiences. Remember that all information provided is strictly confidential.

During the past five years, has your partner:

1. *threatened you with his/her fist or anything else that could have hurt you?*
2. *thrown anything at you that could have hurt you?*
3. *pushed, grabbed or shoved you in a way that could have hurt you?*
4. *slapped you?*
5. *kicked, bitten, or hit you with his/her fist?*
6. *hit you with something that could have hurt you?*
7. *beaten you?*
8. *choked you?*
9. *used or threatened to use a gun or knife on you?*
10. *forced you into any unwanted sexual activity by threatening you, holding you down, or hurting you in some way?*

In the VAWS, these 10 questions were asked in order. In the GSS, the first two questions were given in sequence to all respondents and the remaining eight questions were asked in random order.

It must be borne in mind that the 1993 VAWS and the 1999 GSS were based on two very different methodologies. This difference may explain certain results.

Newfoundland	705
Prince Edward Island	322
Nova Scotia	1,012
New Brunswick	826
Quebec	1,912
Ontario	2,502
Manitoba	900
Saskatchewan	869
Alberta	1,503
British Columbia	1,740
Total	12,291

	Women	Men
Newfoundland	1,045	784
Prince Edward Island	274	185
Nova Scotia	666	537
New Brunswick	650	537
Quebec	2,601	2,030
Ontario	4,245	3,472
Manitoba	664	537
Saskatchewan	649	542
Alberta	1,478	1,298
British Columbia	1,997	1,685
Total	14,269	11,607

Both women and men conducted interviews in the GSS. This may be contrasted with the VAWS in which women were interviewed exclusively by women. In both surveys, interviewers were carefully selected and trained in order to respond appropriately with the sensitive subject matter.

The *Homicide Survey* has provided detailed police-reported data on homicide incidents since 1974. When police become aware of a homicide, a survey questionnaire is completed. The count for a particular year represents all homicides reported in that year, regardless of when the death actually occurred. The survey remained unchanged until 1991, at which time more detailed information was collected. A question regarding the history of domestic violence between the accused and victim, and more detailed victim-offender relationship categories were added to the survey in 1991. Data on Shaken Baby Syndrome as a cause of death were captured beginning in 1997.

Statistics Canada developed the *Uniform Crime Reporting Survey* (UCR) with the co-operation and assistance of the Canadian Association of Chiefs of Police. The aggregate UCR, which became operational in 1962, collects crime and traffic statistics reported by all police agencies in Canada. UCR data reflect reported crimes that have been substantiated (or "founded") through police investigation.

The Canadian Centre for Justice Statistics (CCJS), in c o-operation with the policing community, collects police-reported, incident-based crime statistics through the *Revised Uniform Crime Reporting Survey (UCR2).* This survey allows detailed examination of accused and victim characteristics, and characteristics of the incident itself. Collection began in 1988. By 2000, 166 police agencies in nine provinces, representing 53% of the national volume of reported crime, were responding to the UCR2. The sample of police forces is not nationally representative, therefore it is not possible to calculate rates of occurrence. The largest proportion of cases originates in Ontario and Quebec.

The UCR2 Trend Database contains historical data, which permits the analysis of trends in the characteristics of the incidents, accused and victims, such as weapon use and victim-accused relationship. This database currently includes 106 police services who have reported to the UCR2 survey consistently since 1995. These accounted for 41% of the national volume of crime in 2000.

The *Transition Home Survey* was developed under the federal government's Family Violence Initiative in consultation with provincial/territorial governments and transition home associations. The objectives of the survey are to collect information on residential services for abused women and their children during the previous 12 months of operation, and to provide a one-day snapshot of the clients being served on a specific day. In 1991–1992, Statistics Canada began to collect basic information on transition home services and clientele. The survey was repeated with some changes in 1992–1993, 1994–1995, 1997–1998 and 1999–2000.

The *Transition Home Survey* is a mail-out/mail-back census survey of all residential facilities providing services to abused women and their children. In 1999–2000, of the 508 residential facilities providing services to abused

women and their children, 467 returned their questionnaires for a response rate of 92%. Separate questionnaires were completed for facilities that had two or more residences under the same name or address.

This survey was conducted by Léger & Léger by telephone interview. A representative sample of 1,122 adults 15 years of age and older, and 887 youth 13 to 14-years of age, residing in the province of Quebec were interviewed. All interviews were conducted in French or English.

In order to ensure that the sample was representative of the Quebec population, the raw data were weighted according to regional distribution of the population and language in the case of youth respondents, and by region, language and sex in the case of adult respondents.

In total, 2,009 respondents were selected for the survey and the response rate was 54.5%.

An estimate of a given proportion of the total target population of adults, expressed as a percentage, is expected to be within 2.93% of the true proportion 19 times out of 20. The margin of error for youth is 3.29%. The margin of error is higher within each subgroup of the population.

The 2000 Prince Edward Island Family Violence Survey is a telephone sample survey conducted by Bradford Associates which covers the non-institutionalized population aged 19 years and over. The 300 respondents in the sample were weighted according to the age of adults in Prince Edward Island so that their responses are representative of the population of the province.

The response rate for the survey was 65%. An estimate of a given proportion of the total target population of women or men, expressed as a percentage, is expected to be within 5.6% of the true proportion 19 times out of 20. The margin of error is higher within each subgroup of the population.

In March, 2002, an attitudinal survey was conducted by Decima Research Inc. The research approach involved a telephone survey with a random and proportionate sample of 458 adults aged 18 and over. The province was divided into five regions and quotas set by region, with a 50/50 gender quota set within each region. Male interviewers were allocated to interview male respondents while the other half of the sample was allocated to female interviewers who surveyed only female respondents. The final data were then weighted by gender and region to ensure they matched the actual population distribution across the province. The survey was fielded in both English and French. An estimate of a given proportion of the total target population, expressed as a percentage, is expected to be within 4.58% of the true proportion 19 times out of 20. The margin of error is higher within each subgroup.

During March 2002, on behalf of the Women's Policy Office, Market Quest Research completed 1,800 quantitative telephone surveys of residents of Newfoundland and Labrador. The survey involved adult household members of 18 years of age or older and had an overall study margin of error of ± 2.3%, 19 times out of 20. Surveys were conducted based on the six Strategic Social Plan Regions and stratified by the actual population proportion in each area. Responses were analyzed by demographic characteristics of region, age, income, education and gender. The objective was to assess the current attitudes of residents with regards to violence: perceptions of violence in society, communities and with respect to personal safety; concerns about different types of violence; beliefs about violence in relationships; attitudes towards victims and abusers; responsibility for reducing violence and suggested strategies.

This province-wide survey was conducted by Probe Research. This is a telephone survey in which a random and representative sample of 1,002 adults aged 18 and over was interviewed. An estimate of a given proportion of the total target population, expressed as a percentage, is expected to be within 3.1% of the true proportion 19 times out of 20. The margin of error is higher within each subgroup of the population.

Government of Saskatchewan Omnibus Survey, 2001

In 2001, a public opinion survey was conducted in Saskatchewan by Doug Fast & Associates. A range of issues was addressed, including federal and provincial issues of importance to Saskatchewan residents, SaskPower, SaskWater, post-secondary education and skills training, and social services. A number of questions focused on public opinion toward family violence.

A random sample of 1,000 residents was interviewed for this survey, drawn from Saskatchewan telephone directories. The province was divided into nine geographic sampling districts to ensure proportionate representation. An estimate of a given proportion of the total target population, expressed as a percentage, is expected to be within 3.1% of the true proportion 19 times out of 20. The margin of error is higher within each subgroup of the population.

Public Attitudes Towards Family Violence: A Syndicated Study

In 2001 and 2002, a national-level public attitude study was conducted by EKOS research associates. A random sample of 2,053 Canadians was interviewed by telephone on their understanding of family violence, tolerance, and behavioural intentions. The response rate was 34%.

The confidence interval was set at 95% with a margin of error ±2.2%.

The research was also based on a series of ten focus groups in Vancouver, Saskatoon, Toronto, Montréal and Fredericton.

APPENDIX 3
CRIMINAL CODE OFFENCES

HOMICIDE

222. (1) A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.

(2) Homicide is culpable or not culpable.

(3) Homicide that is not culpable is not an offence.

(4) Culpable homicide is murder or manslaughter or infanticide.

(5) A person commits culpable homicide when he causes the death of a human being,

(a) by means of an unlawful act;

(b) by criminal negligence;

(c) by causing that human being, by threats or fear of violence or by deception, to do anything that causes his death; or

(d) by wilfully frightening that human being, in the case of a child or sick person.

(6) Notwithstanding anything in this section, a person does not commit homicide within the meaning of this Act by reason only that he causes the death of a human being by procuring, by false evidence, the conviction and death of that human being by sentence of the law.

MURDER

230. Culpable homicide is murder where a person causes the death of a human being while committing or attempting to commit ... section 271 (sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm), 273 (aggravated sexual assault), 279 (kidnapping and forcible confinement), ... whether or not the person means to cause death to any human being and whether or not he knows that death is likely to be caused to any human being, if

(a) he means to cause bodily harm for the purpose of

(i) facilitating the commission of the offence, or

(ii) facilitating his flight after committing or attempting to commit the offence, and the death ensues from the bodily harm;

(b) he administers a stupefying or overpowering thing for a purpose mentioned in paragraph (a), and the death ensues therefrom; or

(c) he wilfully stops, by any means, the breath of a human being for a purpose mentioned in paragraph (a), and the death ensues therefrom.

Classification of murder

231. (1) Murder is first-degree murder or second-degree murder.

(2) Murder is first-degree murder when it is planned and deliberate.

(3) Without limiting the generality of subsection (2), murder is planned and deliberate when it is committed pursuant to an arrangement under which money or anything of value passes or is intended to pass from one person to another, or is promised by one person to another, as consideration for that other's causing or assisting in causing the death of anyone or counselling another person to do any act causing or assisting in causing that death

(...)

(5) Irrespective of whether a murder is planned and deliberate on the part of any person, murder is first-degree murder in respect of a person when the death is caused by that person while committing or attempting to commit an offence under one of the following sections:

(...)

(b) section 271 (sexual assault);

(c) section 272 (sexual assault with a weapon, threats to a third party or causing bodily harm);

(d) section 273 (aggravated sexual assault);

(e) section 279 (kidnapping and forcible confinement); or

(f) section 279.1 (hostage taking).

(6) Irrespective of whether a murder is planned and deliberate on the part of any person, murder is first-degree murder when the death is caused by that person while committing or attempting to commit an offence under section 264 and the person committing that offence intended to cause the person murdered to fear for the safety of the person murdered or the safety of anyone known to the person murdered.

(7) All murder that is not first-degree murder is second-degree murder.

235. (1) Every one who commits first-degree murder or second-degree murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.

(2) For the purposes of Part XXIII, the sentence of imprisonment for life prescribed by this section is a minimum punishment.

236. Every person who commits manslaughter is guilty of an indictable offence and liable

(a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(b) in any other case, to imprisonment for life.

239. Every person who attempts by any means to commit murder is guilty of an indictable offence and liable

(a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(b) in any other case, to imprisonment for life.

264. (1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection 2 that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

(2) The conduct mentioned in subsection (1) consists of

(a) repeatedly following from place to place the other person or anyone known to them;

(b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;

(c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or

(d) engaging in threatening conduct directed at the other person or any member of their family.

(3) Every person who contravenes this section is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding five years; or

(b) an offence punishable on summary conviction.

(4) Where a person is convicted of an offence under this section, the court imposing the sentence on the person shall consider as an aggravating factor that, at the time the offence was committed, the person contravened

(a) the terms or conditions of an order made pursuant to section 161 or a recognizance entered into pursuant to section 810, 810.1 or 810.2; or

(b) the terms or conditions of any other order or recognizance made or entered into under the common law or a provision of this or any other Act of Parliament or of a province that is similar in effect to an order or recognizance referred to in paragraph (a).

(5) Where the court is satisfied of the existence of an aggravating factor referred to in subsection (4), but decides not to give effect to it for sentencing purposes, the court shall give reasons for its decision.

264.1 (1) Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat

(a) to cause death or bodily harm to any person;

(b) to burn, destroy or damage real or personal property; or

(c) to kill, poison or injure an animal or bird that is the property of any person.

(2) Every one who commits an offence under paragraph (1)(a) is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

(3) Every one who commits an offence under paragraph (1)(b) or (c)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or

(b) is guilty of an offence punishable on summary conviction.

265. (1) A person commits an assault when

(a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;

(b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe upon reasonable

grounds that he has, present ability to effect his purpose; or

(c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

(2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.

(3) For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of

(a) the application of force to the complainant or to a person other than the complainant;

(b) threats or fear of the application of force to the complainant or to a person other than the complainant;

(c) fraud; or

(d) the exercise of authority.

(4) Where an accused alleges that he believed that the complainant consented to the conduct that is the subject matter of the charge, a judge, if satisfied that there is sufficient evidence and that, if believed by the jury, the evidence would constitute a defence, shall instruct the jury, when reviewing all the evidence relating to the determination of the honesty of the accused's belief, to consider the presence or absence of reasonable grounds for that belief.

266. Every one who commits an assault is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding five years; or

(b) an offence punishable on summary conviction.

267. Every one who, in committing an assault,

(a) carries, uses or threatens to use a weapon or an imitation thereof, or

(b) causes bodily harm to the complainant,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

268. (1) Every one who commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.

(2) Every one who commits an aggravated assault is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

(3) For greater certainty, in this section, "wounds" or "maims" includes to excise, infibulate or mutilate, in whole or in part, the labia majora, labia minora or clitoris of a person, except where

(a) a surgical procedure is performed, by a person duly qualified by provincial law to practice medicine, for the benefit of the physical health of the person or for the purpose of that person having normal reproductive functions or normal sexual appearance or function; or

(b) the person is at least eighteen years of age and there is no resulting bodily harm.

(4) For the purposes of this section and section 265, no consent to the excision, infibulation or mutilation, in whole or in part, of the labia majora, labia minora or clitoris of a person is valid, except in the cases described in paragraphs (3)(a) and (b).

271. (1) Every one who commits a sexual assault is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding ten years; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

(...)

272. (1) Every person commits an offence who, in committing a sexual assault,

(a) carries, uses or threatens to use a weapon or an imitation of a weapon;

(b) threatens to cause bodily harm to a person other than the complainant;

(c) causes bodily harm to the complainant; or

(d) is a party to the offence with any other person.

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable

(a) where a firearm is used in the commission of the offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of four years; and

(b) in any other case, to imprisonment for a term not exceeding fourteen years.

273. (1) Every one commits an aggravated sexual assault who, in committing a sexual assault, wounds, maims, disfigures or endangers the life of the complainant.

(2) Every person who commits an aggravated sexual assault is guilty of an indictable offence and liable
(a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
(b) in any other case, to imprisonment for life.

273.1 (1) Subject to subsection (2) and subsection 265(3), "consent" means, for the purposes of sections 271, 272 and 273, the voluntary agreement of the complainant to engage in the sexual activity in question.

(2) No consent is obtained, for the purposes of sections 271, 272 and 273, where
(a) the agreement is expressed by the words or conduct of a person other than the complainant;
(b) the complainant is incapable of consenting to the activity;
(c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;
(d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
(e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

(3) Nothing in subsection (2) shall be construed as limiting the circumstances in which no consent is obtained.

273.2 It is not a defence to a charge under section 271, 272 or 273 that the accused believed that the complainant consented to the activity that forms the subject matter of the charge, where
(a) the accused's belief arose from the accused's
(i) self-induced intoxication, or
(ii) recklessness or wilful blindness; or
(b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting.

278. A husband or wife may be charged with an offence under section 271, 272 or 273 in respect of his or her spouse, whether or not the spouses were living together at the time the activity that forms the subject matter of the charge occurred.

SEXUAL OFFENCES

150.1 (1) Where an accused is charged with an offence under section 151 or 152 or subsection 153(1), 160(3) or subsection 173(2) or is charged with an offence under section 271, 272 or 273 in respect of a complainant under the age of fourteen years, it is not a defence that the complainant consented to the activity that forms the subject matter of the charge.

(2) Notwithstanding subsection (1), where an accused is charged with an offence under section 151 or 152, subsection 173(2) or section 271 in respect of a complainant who is twelve years of age or more but under the age of fourteen years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge unless the accused
(a) is twelve years of age or more but under the age of sixteen years;
(b) is less than two years older than the complainant; and
(c) is neither in a position of trust or authority towards the complainant nor is a person with whom the complainant is in a relationship of dependency.

(3) No person aged twelve or thirteen years shall be tried for an offence under section 151 or 152 or subsection 173(2) unless the person is in a position of trust or authority towards the complainant or is a person with whom the complainant is in a relationship of dependency.

(4) It is not a defence to a charge under section 151 or 152, subsection 160(3) or 173(2), or section 271, 272 or 273 that the accused believed that the complainant was fourteen years of age or more at the time the offence is alleged to have been committed unless the accused took all reasonable steps to ascertain the age of the complainant.

(5) It is not a defence to a charge under section 153, 159, 170, 171 or 172 or subsection 212(2) or (4) that the accused believed that the complainant was eighteen years of age or more at the time the offence is alleged

to have been committed unless the accused took all reasonable steps to ascertain the age of the complainant.

151. Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of fourteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.

152. Every person who, for a sexual purpose, invites, counsels or incites a person under the age of fourteen years to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the person under the age of fourteen years, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.

153. (1) Every person who is in a position of trust or authority towards a young person or is a person with whom the young person is in a relationship of dependency and who

(a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person, or

(b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years or is guilty of an offence punishable on summary conviction.

(2) In this section, "young person" means a person fourteen years of age or more but under the age of eighteen years.

153.1 (1) Every person who is in a position of trust or authority towards a person with a mental or physical disability or who is a person with whom a person with a mental or physical disability is in a relationship of dependency and who, for a sexual purpose, counsels or incites that person to touch, without that person's consent, his or her own body, the body of the person who so counsels or incites (...), or the body of any other person, directly or indirectly, with a part of the body or with an object, (...) is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

(2) Subject to subsection (3), "consent" means, for the purposes of this section, the voluntary agreement of the complainant to engage in the sexual activity in question.

(3) No consent is obtained, for the purposes of this section, if

(a) the agreement is expressed by the words or conduct of a person other than the complainant;

(b) the complainant is incapable of consenting to the activity;

(c) the accused counsels or incites the complainant to engage in the activity by abusing a position of trust, power or authority;

(d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or

(e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

(4) Nothing in subsection (3) shall be construed as limiting the circumstances in which no consent is obtained.

(5) It is not a defence to a charge under this section that the accused believed that the complainant consented to the activity that forms the subject matter of the charge if

(a) the accused's belief arose from the accused's

(i) self-induced intoxication, or

(ii) recklessness or wilful blindness; or

(b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting.

(6) If an accused alleges that he or she believed that the complainant consented to the conduct that is the subject matter of the charge, a judge, if satisfied that there is sufficient evidence and that, if believed by the jury, the evidence would constitute a defence, shall

instruct the jury, when reviewing all the evidence relating to the determination of the honesty of the accused's belief, to consider the presence or absence of reasonable grounds for that belief.

PROTECTING THE PERSONAL RECORDS OF SEXUAL OFFENCE VICTIMS (SECTIONS 278.1 TO 278.9)

Sections 278.1 to 278.9 of the *Criminal Code* govern the production of personal records about victims and witnesses in sexual offence proceedings. The provisions place the onus on the accused to establish that the records sought are likely relevant to an issue at trial and require the trial judge to carefully scrutinize applications and determine production in accordance with a two-part process involving a consideration of both the accused's rights to full answer and defence and the victim's rights to privacy and equality. The procedure to be followed is also set out in the *Code* and includes safeguards for the victim's privacy including an *in camera* (closed) hearing, non-compellability of the victim at the hearing, a publication ban on the proceedings and the contents of the application, editing of the records (where ordered to be produced) to delete irrelevant personal information and the imposition of other appropriate conditions on production.

PROVISIONS TO PROTECT THE PRIVACY OF THE VICTIM DURING COURT PROCEEDINGS

In criminal proceedings, while the general rule is that all proceedings against an accused shall be held in open court, the *Criminal Code* sets out exceptions, including those which are intended to protect the privacy of victims, for example:

- subsection 486(2) which provides that, for sexual assault offences, an application may be made for an order excluding the public;
- subsections 486(3) and 486(4) which provide for an order prohibiting publication of the identity of sexual offence victims and certain witnesses;
- subsections 276.2 and 276.3 which provide for the exclusion of the public and which restrict publication of proceedings to determine the admissibility of evidence regarding a sexual assault complainant's sexual history;
- subsection 486(1.2) which permits that in sexual offence proceedings a support person may be present in court with a witness under the age of 14 years.

Other provisions that are designed to encourage the reporting of sexual offences include:

- subsection 486(2.1) which permits a sexual offence complainant who is under the age of 18 years or who has difficulty communicating, to provide their testimony from behind a screen or by closed-circuit TV, where the judge is of the opinion that this is necessary to obtain a full and candid account. This provision has recently been expanded to cover prostitution and assault offences;
- subsection 486(2.3) which provides that, in sexual offence proceedings, generally, a self-represented accused shall not personally cross-examine a witness under 14 years of age.

The court may appoint counsel for the accused to conduct the cross-examination;

- subsection 715.1 which permits, in proceedings relating to sexual offences, that where the victim or witness was under the age of 18 at the time of the offence, a videotape made within a reasonable time after the offence, describing the acts complained of, is admissible in evidence, if the victim or witness, while testifying, adopts the contents of the videotape;
- subsection 715.2 which permits, in proceedings relating to sexual offences, that where the victim or witness has difficulty communicating due to a disability, a videotape made within a reasonable time after the offence, describing the acts complained of, is admissible in evidence, if the victim or witness, while testifying, adopts the contents of the videotape;
- subsection 161 permits the court to make an order prohibiting an offender convicted of a sexual offence involving a young person (under 14) from attending at or near certain public places where children may be present or seeking, obtaining or continuing employment that involves being in a position of trust or authority towards a young person.

KIDNAPPING AND HOSTAGE-TAKING

279. (1) Every person commits an offence who kidnaps a person with intent

(a) to cause the person to be confined or imprisoned against the person's will;

(b) to cause the person to be unlawfully sent or transported out of Canada against the person's will; or

(c) to hold the person for ransom or to service against the person's will.

(1.1) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable
(a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
(b) in any other case, to imprisonment for life.

(2) Every one who, without lawful authority, confines, imprisons or forcibly seizes another person is guilty of
(a) an indictable offence and liable to imprisonment for a term not exceeding ten years; or
(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

(3) In proceedings under this section, the fact that the person in relation to whom the offence is alleged to have been committed did not resist is not a defence unless the accused proves that the failure to resist was not caused by threats, duress, force or exhibition of force.

Sections 810 to 810.2 authorize a provincial court judge or justice of the peace to require an individual to enter into a recognizance (also known as a "peace bond") where there are grounds to believe that the individual will cause injury to, or damage to the property of another person, or will injure the spouse or child of the other person, will commit a sexual offence against a child or will commit a serious personal injury offence. The recognizance can be for a period of up to 12 months and may contain various conditions such as non-communication orders or prohibitions on possession of firearms. Section 811 provides that a breach of a recognizance results in an indictable offence punishable by a maximum of five years imprisonment or an offence punishable on summary conviction.

718.2 A court that imposes a sentence shall also take into consideration the following principles:
(a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,
(i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor,
(ii) evidence that the offender, in committing the offence, abused the offender's spouse or common-law partner or child,
(iii) evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim (…) or
(iv) evidence that the offence was committed for the benefit of, at the direction of or in association with a criminal organization
(v) evidence that the offence was a terrorism offence.
Shall be deemed to be aggravating circumstances.
(b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;
(c) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;
(d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and
(e) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders.

Appendix 4

Provincial/Territorial Domestic Violence Legislation and Courts

Sask.	*Victims of Domestic Violence Act*	Domestic violence is described as (i) any intentional or reckless act or omission that causes bodily harm or damage to property; (ii) any act or threatened act that causes a reasonable fear of bodily harm or damage to property; (iii) forced confinement; or (iv) sexual abuse.	The purpose was to improve the immediate and long-term criminal justice response to the victims of domestic violence. There are three components to the Act: emergency intervention orders, victim assistance orders, and warrants of entry.	Proclaimed Feb. 1, 1995.
P.E.I.*	*Victims of Family Violence Act*	Family violence includes violence against that person by any other person with whom that person is, or has been, in a family relationship; violence is (a) any assault of the victim; (b) any reckless act or omission that causes injury to the victim or damage to property; (c) any act or threat that causes a reasonable fear of injury to the victim or damage to property; (d) forced confinement of the victim; (e) actions or threats of sexual abuse, physical abuse, or emotional abuse of the victim.	The purpose of the Act is to protect the victims of family violence by improving the criminal justice response to family violence. There are two main components of the Act: emergency protection orders and victim assistance orders.	Proclaimed Dec. 16, 1996
Man.	*The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendments Act*	Domestic violence occurs when a person is subjected by a cohabitant of the person to (a) an intentional, reckless or threatened act or omission that causes bodily harm or damage to property; (b) an intentional, reckless or threatened act or omission that causes a reasonable fear of bodily harm or damage to property; (c) conduct that reasonable in all circumstances, constitutes psychological or emotional abuse; (d) forced confinement; or (e) sexual abuse.	The objective of the Act is to provide quick and simple protection and services to victims as well as to prevent further occurrences of family violence. The Act has three main components: protection orders by designated justices of the peace, prevention orders by the court of the Queen's bench and general provisions, including a warrant permitting entry.	Proclaimed Sept. 30, 1999.
Man.	The Family Violence Court is composed of a women's advocacy and child witness program for victims of family violence; a specialized prosecutorial unit; specialized designated courtrooms and dockets for intake, screening and trials; and a special unit in the probation office to deliver court mandated treatment programs. The objectives of the court are: 1) expeditious court processing; 2) rigorous prosecution; and 3) more appropriate sentencing than that of non-specialized courts.			September 1990.
Alta.	*Protection Against Family Violence Act*	Family violence is (i) any intentional or reckless act or omission that causes injury or property damage, the purpose of which is to intimidate or harm a family member, (ii) any act or threatened act that causes a reasonable fear of injury or property damage, the purpose of which is to intimidate or harm a family member, (iii) forced confinement, (iv) sexual abuse.	The purpose of the Act is to improve the criminal justice response to family violence. There are three main components to the Act: emergency protection orders, queen's bench protection orders and other provisions, including warrant permitting entry.	Proclaimed June 1, 1999.
Alta.	The Calgary Domestic Violence Court is a docket court dedicated solely to domestic violence cases with designated crown prosecutors and access to a wide government and community-based network of services for abused women.			May 2000.

*There were Charter challenges to the legislation, where the Supreme Court of P.E.I. felt it was necessary to revise the bill. On December 9, 1998, the legislative assembly of P.E.I. amended the Bill to clarify the definition of "orders" and to identify who is eligible to apply for an emergency protection order.

Y.T.	*Family Violence Prevention Act*	Family violence includes persons who have been cohabitants. Family violence is identified as (a) any intentional or reckless act or omission that causes bodily harm or damage to property; (b) any act or threatened act that causes a reasonable fear of bodily harm or of damage to property; (c) forced confinement; (d) sexual abuse; or (e) depriving a person of food, clothing, medical attention, shelter, transportation, or other necessaries of life.	The purpose of this Act is to recognize that family violence is a serious problem, to improve legal responses to assist the victims of family violence, to recognize the difficulty that victims encounter when they must leave their home to escape abuse and to prevent family violence. There are three main components: emergency intervention orders, victim's assistance order, and warrant to authorize entering premises.	Proclaimed Nov. 1, 1999.
Y.T.	The Yukon introduced the Domestic Violence Treatment Option (DVTO). This special sitting of the Territorial Court is devoted to domestic violence cases with a view to encouraging abusers to take treatment programs.			May 2000
Ont.	*Domestic Violence Protection Act*	Domestic violence is defined as (i) an assault that consists of an intentional application of force that causes the applicant to fear for his or her safety, but does not include any act committed in self-defence; (ii) an intentional or reckless act or omission that causes bodily harm or damage to property; (iii) a real or threatened act or omission that causes the applicant to fear for his or her safety; (iv) forced physical confinement; (v) a series of acts which collectively causes the applicant to fear for his or her safety, including following, contacting, communicating with, observing or recording any person; (vi) sexual assault, sexual exploitation or sexual molestation or threat of these actions.	The objective of this Act is to provide effective, consistent, and timely protection to victims of domestic violence while holding offenders accountable. There are two components to the Act: emergency intervention orders and intervention orders.	Received royal assent December 18, 2000, not yet proclaimed.
Ont.	Ontario has 24 domestic violence courts dedicated to prosecuting abusers and providing supports to victims in the criminal justice system. These courts include a variety of specialized programs such as cultural interpretation services, male batterer programs and victim witness assistance programs. The objectives of the Ontario Domestic Violence Courts initiative are: 1) to intervene early in domestic abuse situations; 2) to provide better support to victims of domestic abuse throughout the criminal justice process; 3) to more effectively prosecute domestic violence cases; 4) to hold offenders accountable for their behaviour if they are found guilty of a domestic violence-related offence.			1997
N.S.	*Domestic Violence Intervention Act*	Domestic violence is (i) an assault that consists of the intentional application of force that causes the victim to fear for his or her safety, but does not include any act committed in self-defence; (ii) an act or omission or threatened act or omission that causes a reasonable fear of bodily harm or damage to property; (iii) forced physical confinement; (iv) sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation or; (v) a series of acts that collectively causes the victim to fear for his or her safety, including following, contacting, communicating with, observing or recording any person.	The Act allows victims to apply to justices of the peace for 30-day emergency protection orders for temporary possession of the home or bank accounts or for orders that direct an individual to avoid contact with the victim. Once it has been granted, a judge reviews the order within 2 days and either confirms or varies it.	Received royal assent Nov. 22, 2001, not yet proclaimed.

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